

2017-2018

**SENATE
EDUCATION/
HIGHER EDUCATION**

MINUTES

Senate Education/Higher Education Bill Index

<u>Bil Number</u>	<u>Date Heard</u>	<u>Action Taken</u>
HB 39	02/14/2017	Favorable
HJR194	03/07/2017	Favorable
SB 169	03/07/2017	Favorable
SB 64	03/14/2017	Favorable
SB 125	03/14/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 68	03/14/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 78	04/05/2017	Favorable
SB 315	04/05/2017	Favorable
SB 252	04/05/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 447	04/11/2017	Favorable
SB 448	04/11/2017	Favorable
SB 462	04/11/2017	Favorable
SB 517	04/11/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 598	04/11/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 461	04/19/2017	Favorable
SB 597	04/19/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
HB 13	04/24/2017	Un. Fav. To Bill, Fav. To Senate Comm. Sub.
SB 15	02/24/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 335	04/25/2017	Favorable
SB 468	04/25/2017	Favorable
SB 531	04/25/2017	Favorable
SB 449	04/25/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 521	04/25/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
SB 420	04/26/2017	Favorable
SB 599	05/24/2017	Un. Fav. To Bill, Fav. To Comm. Sub.
HB 486	05/24/2017	Un. Fav. To Bill, Fav. To Senate Comm. Sub.
HB 149	06/14/2017	Favorable
HB 482	06/14/2017	Favorable
HB 532	06/14/2017	Favorable
HB 135	06/14/2017	Un. Fav. To Bill, Fav. To Senate Comm. Sub.
HB 90	06/20/2017	Un. Fav. To Comm. Sub. 1, But Fav. To Senate Comm. Sub
HB 155	06/21/2017	Un. Fav. To Comm. Sub. 1, But Fav. To Senate Comm. Sub
HB 800	06/21/2017	Un. Fav. To Comm. Sub. 1, But Fav. To Senate Comm. Sub



Senate Education/Higher Education Committee 2017-2018

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**Senate Committee on Education/Higher Education
Tuesday, February 14, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on February 14, 2017 in Room 544 of the Legislative Office Building. 14 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting by recognizing the Senate Pages and Senate Sergeant at Arms.

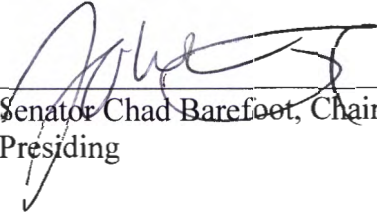
HB 39 Amend Appointments/UNC Bd of Governors. (Representatives Lewis, Fraley, Jordan, Jackson)

Sen. Rabon presented House Bill 39.


Members of the committee were given the opportunity to ask questions of the bill sponsor.

Senator Rabin moved for a favorable report. The motion was approved.

The meeting adjourned at 12:15 PM.



Senator Chad Barefoot, Chair
Presiding



Eric Naisbitt, Committee Clerk



**Senate Committee on Education/Higher Education
Tuesday, February 14, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sergeant at Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 39	Amend Appointments/UNC Bd of Governors.	Representative Lewis Representative Fraley Representative Jordan Representative Jackson

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, February 14, 2017

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

FAVORABLE

HB 39 (CS#1)

Amend Appointments/UNC Bd of Governors.

Draft Number: None

Sequential Referral: Rules and Operations of the Senate

Recommended Referral: None

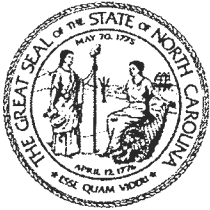
Long Title Amended: No

TOTAL REPORTED: 1

Senator Bill Rabon will handle HB 39



* C M R 6 - V - 1 *



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

2017-2018 General Assembly

Committee:	Senate Education/Higher Education	Date:	February 14, 2017
Introduced by:	Reps. Lewis, Fraley, Jordan, Jackson	Prepared by:	Kara McCraw*
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: The 2nd edition of 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.

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 2nd edition of HB 39 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, HB 39 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.

**This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*

Aren Cochrane-Brown
Director



H 3 9 - S M T C - 2 E 2 - V - 1

Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

2

HOUSE BILL 39

Committee Substitute Favorable 2/7/17

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.





Senate Committee On Education / Higher Education

February 14, 2017 – Room 544 LOB – 12:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
BRUCE THOMPSON	PARISER POS
Matthew Docken	Appalachian State
Drew Moretz	UNC GA
Jonathan Kessler	UNC GA
DAVID LOWERY	UNC IBUG
Mary Shupery	NCCCS
James E. ...	UNCB-G
Samuel Hood Jr.	Raleigh Chamber of Commerce
Valbytticks	NCGA
Sarah Sturdivant	SBE
Robb Jansen	SBE
RAT CRAWLER	HUNT INSTITUTE
Leah Sutton	Hunt Institute



[illegible]



Senate Pages Attending

COMMITTEE: Education ROOM: 544LOB

DATE: 2-14-17 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

Page Name	Hometown	Sponsoring Senator
1. Hanna Tischler	Davidson	Tarte
2. Erika King	Jacksonville	Brown
3. Gregory Matthews	Raleigh	Van Duyn
4. Kylie Perry	Raugh	Berger
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.



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Senate Committee

On

Education / Higher Education

Room 544 - LOB

12:00 PM

February 14, 2017

Senate Sergeant at Arms:

JIM HAMILTON

LARRY HANCOCK

LINDA MATTHEWS

2 1834 1740 10 11

Senate Committee on Education/Higher Education
Tuesday, March 7, 2017 at Noon
Room 544

MINUTES

The Senate Committee on Education/Higher Education met at Noon on March 7, 2017 in Room 544. 18 members were present.

Senator David L. Curtis presided.

Senator Curtis opened the meeting by recognizing the Senate Pages and Senate Sergeant at Arms.

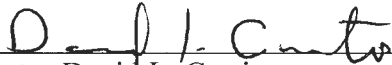
HJR 194: SBCC Elections. (Representatives Brody, Sauls)

Representative Brody presented HJR 194. Senator Barefoot moved for a favorable report. The motion was approved.

SB 169: Teaching Excellence Bonus Expansion. (Senators Berger, Harrington, Wade)

Senators Wade and Harrington presented Senator Bill 169. Members of the committee were given the opportunity to ask questions and make comments. Kim Leake, Peck Elementary School, Guilford County, spoke in favor of SB 169. Senator Barefoot moved for a favorable report. The motion was approved.

The meeting adjourned at 12:24 p.m.



Senator David L. Curtis
Presiding



Lynn Tennant, Committee Clerk

Lynn Tennant (Sen. David Curtis)

From: Eric Naisbitt (Sen. Chad Barefoot)
Sent: Monday, March 06, 2017 08:10 PM
To: Rep. John Sauls; Rep. Mark Brody; Sen. Phil Berger; Sen. Kathy Harrington; Sen. Trudy Wade
Cc: Karen Rosser (Rep. John Sauls); Neva Helms (Rep. Mark Brody); Mary Marchman (Sen. Kathy Harrington); Matthew Curran (Sen. Kathy Harrington); Kathy Hartsell (Sen. Trudy Wade); Robert Mays (Sen. Trudy Wade)
Subject: <NCGA> Senate Education/Higher Education Committee Meeting Notice for Tuesday, March 07, 2017 at 12:00 PM - CORRECTED #1
Attachments: Add Meeting to Calendar_LINC_ics

Principal Clerk

Reading Clerk

Corrected #1: Added SB 169 to agenda and corrected room

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 7, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HJR 194	SBCC Elections.	Representative Brody Representative Sauls
SB 169	Teaching Excellence Bonus Expansion.	Senator Berger Senator Harrington Senator Wade



Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair

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Senate Committee on Appropriations on Education/Higher Education
Tuesday, March 7, 2017, 12:00 noon
544

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills:

HJR 194 SBCC Elections

Reps. Brody, Rep. Sauls

**SB 169 Teaching Excellence Bonus
Expansion**

**Senators Berger, Harrington,
Wade**

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

CORRECTED REPORT #1

Tuesday, March 07, 2017

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

FAVORABLE

HJR 194

SBCC Elections.

Draft Number:	None
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

SB 169

Teaching Excellence Bonus Expansion.

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

TOTAL REPORTED: 2

Senator David L. Curtis will handle HJR 194
Senator Phil Berger will handle SB 169



* C M R 4 9 - V - 5 *



HOUSE JOINT RESOLUTION 194: SBCC Elections.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education	Date:	March 7, 2017
Introduced by:	Reps. Brody, Sauls	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

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

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

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

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

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

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

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE JOINT RESOLUTION 194

Sponsors: Representatives Brody and Sauls (Primary Sponsors).

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

Referred to: Education - Community Colleges

February 27, 2017

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

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

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

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

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





SENATE BILL 169: Teaching Excellence Bonus Expansion.

2017-2018 General Assembly

Committee: Senate Education/Higher Education.
Introduced by: Sens. Berger, Harrington, Wade
Analysis of: First Edition

Date: March 7, 2017
Prepared by: Kara McCraw
Staff Attorney

OVERVIEW: *SB 169 would provide for bonus substitutes to certain teachers who, but for no longer teaching certain grades or courses, would have received bonuses under the Third Grade Teacher Performance Pilot Program or Advanced Placement/International Baccalaureate Teacher Bonus Pilot Program established in the 2016 budget.*

Third Grade Reading Teacher Performance Pilot program

CURRENT LAW: S.L. 2016-94, Sec. 9.7 established the Third Grade Reading Teacher Performance Pilot program to provide bonuses to qualifying licensed third grade teachers with student growth index scores from the previous school year for third grade reading who remained employed teaching third grade in the same local school administrative unit at least from the school year the data was collected until the corresponding school year when the bonus was paid. The program established 2 bonuses:

- Bonus 1 – Top 25% in State: Licensed third grade teachers in the top 25% of teachers in the State according to the student growth index score for third grade reading from the prior year would receive Bonus 1.
- Bonus 2 – Top 25% in LEA: Licensed third grade teachers in the top 25% of teachers in their respective local school administrative unit (LEA) according to the student growth index score for third grade reading from the prior year would receive Bonus 2.
- Teachers are eligible to receive both bonuses.

BILL ANALYSIS: Section 2(a) and (b) of SB 169 would provide a bonus substitute to otherwise qualifying teachers who no longer taught third grade (the restriction) but remained teaching at the same school, unless that teacher refused to continue teaching third grade in the year the bonus was paid. The bonuses would be as follows:

- A teacher who remains teaching at the same school and would have been eligible for Bonus 1 but for the restriction would receive a bonus of \$3,500.
- A teacher who remains teaching at the same school and would have been eligible for Bonus 2 but for the restriction would receive a bonus of \$3,500.

Advanced Placement/International Baccalaureate Teacher Bonus Pilot Program

CURRENT LAW: S.L. 2016-94, Sec. 8.8 established the Advanced Placement/International Baccalaureate Teacher Bonus Pilot Program to provide bonuses to qualifying licensed teachers of Advanced Placement and International Baccalaureate advanced courses for each student taught who received a certain score on the advanced course examination. The bonus is \$50 per student, up to \$2,000. To receive the bonus, the teacher must remain employed teaching advanced courses in the same

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 169

Page 2

local school administrative unit at least from the school year the data was collected until the corresponding school year when the bonus was paid.

BILL ANALYSIS: Section 2(c) of SB 169 would provide a bonus substitute to otherwise qualifying teachers who no longer taught advanced courses (the restriction) but remained teaching at the same school, unless that teacher refused to continue teaching the advanced course in the year the bonus was paid. The bonus would be the amount the teacher would have been eligible for under S.L. 2016-94, Sec. 8.8, not to exceed \$2,000.

Reimbursement

Section 3 - If a LEA paid a teacher an amount in lieu of the amount the teacher would have received but for the restriction under the Bonus Pilot Programs in the 2016 Budget, the Department of Public Instruction must reimburse the LEA for the amount paid, up to \$3,500 for each third grade bonus and up to \$2,000 for each advanced course bonus.

EFFECTIVE DATE: SB 169 would become effective when the bill becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 169

Short Title: Teaching Excellence Bonus Expansion. (Public)

Sponsors: Senators Berger, Harrington, Wade (Primary Sponsors); Barefoot, Lee, and
McInnis.

Referred to: Rules and Operations of the Senate

March 2, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND TEACHING EXCELLENCE BONUSES FOR CERTAIN TEACHERS
3 WHO WOULD HAVE RECEIVED A BONUS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** It is the intent of the General Assembly to give a bonus substitute to
6 certain teachers who remain teaching at the same school and would have received a bonus
7 pursuant to one or more subdivisions of Section 9.7(a) of S.L. 2016-94 or pursuant to Section 8.8
8 of S.L. 2016-94 but for the restriction in subdivision (3) of either section ("the restriction").

9 **SECTION 2.(a)** If the teacher remains teaching at the same school and would have
10 received a bonus under subdivision (1) of Section 9.7(a) of S.L. 2016-94 but for the restriction, the
11 teacher shall receive a State bonus substitute equal to three thousand five hundred dollars (\$3,500),
12 unless the teacher refused to continue teaching third grade in the year the bonus was paid.

13 **SECTION 2.(b)** If the teacher remains teaching at the same school and would have
14 received a bonus under subdivision (2) of Section 9.7(a) of S.L. 2016-94 but for the restriction, the
15 teacher shall receive a local bonus substitute equal to three thousand five hundred dollars (\$3,500),
16 unless the teacher refused to continue teaching third grade in the year the bonus was paid.

17 **SECTION 2.(c)** If the teacher remains teaching at the same school and would have
18 received a bonus under subsection (a) of Section 8.8 of S.L. 2016-94 but for the restriction, the
19 teacher shall receive a bonus substitute equal to the amount the teacher would have received under
20 subdivisions (1) and (2) of that subsection notwithstanding the restriction, unless the teacher
21 refused to continue teaching the advanced course in the year the bonus was paid.

22 **SECTION 3.(a)** If a local school administrative unit paid a teacher an amount in lieu
23 of a bonus the teacher would have received under subdivision (1) of Section 9.7(a) of S.L.
24 2016-94 but for the restriction, the Department of Public Instruction shall reimburse the local
25 school administrative unit the amount paid up to three thousand five hundred dollars (\$3,500).

26 **SECTION 3.(b)** If a local school administrative unit paid a teacher an amount in lieu
27 of a bonus the teacher would have received under subdivision (2) of Section 9.7(a) of S.L.
28 2016-94 but for the restriction, the Department of Public Instruction shall reimburse the local
29 school administrative unit the amount paid up to three thousand five hundred dollars (\$3,500).

30 **SECTION 3.(c)** If a local school administrative unit paid a teacher an amount in lieu
31 of a bonus the teacher would have received under subdivisions (1) and (2) of Section 8.8(a) of S.L.
32 2016-94 but for the restriction, the Department of Public Instruction shall reimburse the local
33 school administrative unit the amount paid up to two thousand dollars (\$2,000).



* S 1 6 9 - V - 1 *

1 **SECTION 4.** Of the funds available to the Department of Public Instruction for the
2 2016-2017 fiscal year, the State Board of Education shall direct the Department to pay the bonus
3 substitutes and reimbursements required by this act.

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

VISITOR REGISTRATION SHEET

3/7/17 Senate Committee on Education
(Committee Name)

3/7/17
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

VISITOR REGISTRATION SHEET

3/7/17 Senate Committee on Education
(Committee Name)

3/7/17
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Chris I. Roughton	MWC
John P. Blanton	UNC
Kim Leake	Guilford County Schools
Brent Johnson	NASW-NC
Jake Sipe	NCFPC
Gene Royal	NCFPC
Jeff Decker	LA to Sen Chubb
Marge Foreman	NCHC
Anna Shelby	Policy Group
Richard Bostic	NCSBA
Tom Hart	NCIC
Bruce McDuff	NCSBA
Jonathan Kappler	UNC GA
Mark Lanier	UNAW
Dan Collins	SEAN



Senate Pages Attending

COMMITTEE: Education / Higher Ed. ROOM: 544
~~423~~
DATE: 3-7 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!.....or else!!!!!!

Page Name	Hometown	Sponsoring Senator
1. Holly Hutcheson	Durham	Woodard
2. Dajah Stallings	Durham	McKissick
3. Samuel L. Gammon	Bridgeton New London	Mc Innis
4.		
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

Holly Hutcheson
Samuel Gammon
Dajah Stallings





Senate Committee
ON
Education/Higher Education

March 7, 2017

Room 544 LOB

12:00 PM

Senate Sergeant at Arms:

TERRY BARNHARDT

LINDA MATTHEWS

SHAM PATEL



Senate Education/Higher Education

Notes for Agenda Items

March 7, 2017, 12:00 noon

Senator Curtis, Chair

HJR 194 State Board of Community Colleges Elections.

Representatives Brody, Sauls

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

SB 169 Teaching Excellence Bonus Expansion.

Senators Berger, Harrington, Wade

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

If there are no amendments to the Bill,

THE MOTION SHOULD BE: THE SENATOR MOVES FOR A FAVORABLE REPORT.

If there are amendments that pass,

THE MOTION (IF FAVORABLE) SHOULD BE: FAVORABLE TO THE BILL AS AMENDED, ROLLED INTO A PROPOSED COMMITTEE SUBSTITUTE, WITH A FAVORABLE REPORT TO THE COMMITTEE SUBSTITUTE AND AN UNFAVORABLE REPORT TO THE ORIGINAL BILL.



**Senate Committee on Education/Higher Education
Tuesday, March 14, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on March 14, 2017 in Room 544 of the Legislative Office Building. 17 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting by recognizing the Senate Sergeant at Arms and Senate Pages.

SB 64: Veterans' History Awareness Month. (Senators D. Davis, Barefoot, Brown)

Senator Don Davis presented Senate Bill 64.

Members of the committee were given the opportunity to ask questions of the bill sponsor and make comments. Senator Barefoot moved for a favorable report. The motion was approved.

SB 68: Student Attendance/Page Program Recognition. (Senators D. Davis, Barefoot)

Senator Don Davis presented Senate Bill 68.

Members of the committee were given the opportunity to ask questions of the bill sponsor and make comments. Senator Don Davis presented a technical amendment to the bill. Committee members approved the amendment. Senator Cook made a motion for the bill to be favorable as amended. The motion was approved.

SB 125: Children of Wartime Veterans Modifications. (Senators D. Davis, Brown)

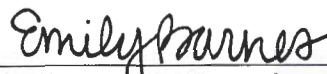
Senator Don Davis presented Senate Bill 125.

Senator Don Davis presented a technical amendment to the bill. Committee members approved the amendment. Members of the committee were given the opportunity to ask questions of the bill sponsor and make comments. Senator Smith-Ingram made a motion for the bill to be favorable as amended. The motion was approved.

The meeting adjourned at 12:28 PM.



Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk



Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on Education/Higher Education will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 14, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 64	Veterans' History Awareness Month.	Senator D. Davis Senator Barefoot Senator Brown
SB 68	Student Attendance/Page Program Recognition.	Senator D. Davis Senator Barefoot
SB 125	Children of Wartime Veterans Modifications.	Senator D. Davis Senator Brown

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, March 14, 2017

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

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

SB 125

Children of Wartime Veterans Modifications.

Draft Number:	S125-PCS45210-TC-6
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Don Davis will handle SB 125



* C M R 6 9 - V - 2 *

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

CORRECTED REPORT #1

Tuesday, March 14, 2017

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

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

SB 68

Student Attendance/Page Program Recognition.

Draft Number:	S68-PCS35126-BE-7
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Don Davis will handle SB 68



* C M R 6 9 - V - 4 *



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, March 14, 2017

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

FAVORABLE

SB 64

Veterans' History Awareness Month.

Draft Number: None

Sequential Referral: Rules and Operations of the Senate

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Senator Don Davis will handle SB 64



* C M R 6 9 - V - 1 *

**Senate Committee on Education/Higher Education
Tuesday, March 14, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

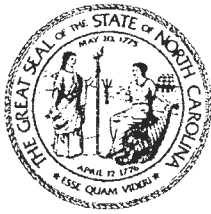
Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 64	Veterans' History Awareness Month.	Senator D. Davis Senator Barefoot Senator Brown
SB 68	Student Attendance/Page Program Recognition.	Senator D. Davis Senator Barefoot
SB 125	Children of Wartime Veterans Modifications.	Senator D. Davis Senator Brown

Adjournment





SENATE BILL 64: Veterans' History Awareness Month.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	March 14, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. D. Davis, Barefoot, Brown	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 64 would establish November as Veterans' History Awareness Month for the public schools and direct the State Board of Education to develop programs regarding the contributions of veterans.*

CURRENT LAW: G.S. 115C-84.2, which is the school calendar statute, provides that Veterans Day must be a holiday for all public school personnel and for all students enrolled in the public schools.

BILL ANALYSIS: Senate Bill 64 would direct that the month of November must be designated as "Veterans' History Awareness Month" in the public schools.

It would also require the State Board of Education (SBE) to develop programs that help students understand the importance of the contributions of American veterans and particularly veterans from North Carolina. Schools would be encouraged to collaborate with veterans and veterans' service organizations during Veterans' History Awareness Month.

EFFECTIVE DATE: The bill would become effective when it becomes law and applies beginning with the 2017-2018 school year.

aren Cochrane-Brown
Director



S 6 4 - S M R Q - 6 E 1 - V - 1

Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

S

1

SENATE BILL 64

Short Title: Veterans' History Awareness Month.

(Public)

Sponsors: Senators D. Davis, Barefoot, Brown (Primary Sponsors); Daniel and Sanderson.

Referred to: Rules and Operations of the Senate

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH VETERANS' HISTORY AWARENESS MONTH IN NOVEMBER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(b) reads as rewritten:

"(b) Limitations. – The following limitations apply when developing the school calendar:

- (1) The total number of teacher workdays for teachers employed for a 10-month term shall not exceed 195 days.
- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools. The month of November shall be designated "Veterans' History Awareness Month."

SECTION 2. G.S. 115C-12 is amended by adding a new subdivision to read:

"§ 115C-12. Powers and duties of the Board generally.

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

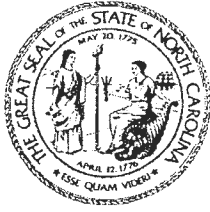
- ...
- (33a) Duty to Develop Recommended Programs for Use in Schools During Veterans' History Awareness Month. – The State Board of Education shall develop recommended programs that enable students to gain a better understanding of the meaning and importance of the contributions of American veterans and, in particular, veterans from North Carolina. Recommended programs may be integrated into lesson plans and may include veteran participation and veteran sponsorship in the form of an Adopt-A-Veteran program. All schools are encouraged to collaborate with veterans and veteran service organizations during Veterans' History Awareness Month to designate time for appropriate commemorative activities.
-"





1 **SECTION 3.** This act is effective when it becomes law and applies beginning with the
2 2017-2018 school year.





SENATE BILL 68: Student Attendance/Page Program Recognition.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	March 14, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. D. Davis, Barefoot	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *Senate Bill 68 would encourage local boards of education to adopt student attendance recognition programs and, if adopted, would require that students serving as legislative or Governor's pages be eligible for participation in such programs.*

CURRENT LAW: Attendance recognition programs are not currently addressed in statute, and are therefore left up to the State Board of Education and local boards of education.

BILL ANALYSIS: Senate Bill 68 would encourage local boards of education to adopt student attendance recognition programs. If such a program is adopted, students serving as legislative or Governor's pages must be eligible for participation in these programs, and the students' absences resulting from page service must not be included as part of their record of attendance for the purpose of the program.

EFFECTIVE DATE: The act would be effective when it becomes law and would apply beginning with the 2017-2018 school year.

Maren Cochrane-Brown
Director



S 6 8 - S M B E - 1 4 E 1 - V - 3

Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 68

Short Title: Student Attendance/Page Program Recognition. (Public)

Sponsors: Senators D. Davis, Barefoot (Primary Sponsors); and Lowe.

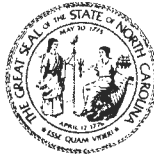
Referred to: Rules and Operations of the Senate

February 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT STUDENT
3 ATTENDANCE RECOGNITION PROGRAMS AND TO PROVIDE THAT STUDENTS
4 SERVING AS LEGISLATIVE OR GOVERNOR'S PAGES SHALL BE ELIGIBLE FOR
5 PARTICIPATION IN THESE PROGRAMS.
6 Whereas, student attendance is critical for student achievement; and
7 Whereas, student attendance benefits from institutional encouragement and
8 recognition; and
9 Whereas, research indicates that there is a connection between student attendance and
10 rates of graduation; Now, therefore,
11 The General Assembly of North Carolina enacts:
12 **SECTION 1.** Part 1 of Article 26 of Chapter 115C of the General Statutes is amended
13 by adding a new section to read:
14 "**§ 115C-382.5. Student attendance recognition programs.**
15 Local boards of education are encouraged to adopt a student attendance recognition program
16 within the local school administrative unit to promote student attendance in school and
17 participation in class as an integral part of academic achievement and the learning process. If the
18 local board of education adopts a student attendance recognition program, a student with an
19 absence resulting from service as a legislative page or a governor's page shall be eligible for
20 participation in the program, and the student's absence shall not be included as part of the student's
21 record of attendance for the purposes of the program."
22 **SECTION 2.** This act is effective when it becomes law and applies beginning with the
23 2017-2018 school year.







**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 68**

S68-ABE-18 [v.2]

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

Page 1 of 1

Amends Title [NO]
First Edition

Date _____, 2017

Senator D. Davis

- 1 moves to amend the bill on page 1, line 19 by deleting the word "governor's" and substituting the
2 word "Governor's".
3
4

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

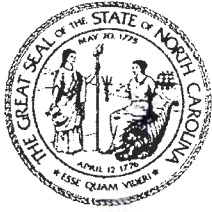
ADOPTED _____

FAILED _____

TABLED _____



* S 6 8 - A B E - 1 8 - V - 2 *



SENATE BILL 125: Children of Wartime Veterans Modifications.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	March 14, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. D. Davis, Brown	Prepared by:	Kara McCraw
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *SB 125 would expand the definition of child for purposes of qualifying for certain scholarships awarded to the children of military veterans meeting certain criteria.*

CURRENT LAW: Part 2 of Article 14 of Chapter 143B of the General Statutes provides for scholarships to children of certain veterans who meet one of the following criteria:

- Was killed in action or died of service connected injuries.
- Received certain wartime service connected disabilities.
- Was awarded a Purple Heart for wounds received in certain incidents.
- Has a nonservice connected permanent and total disability.
- Is deceased.
- Served in engagements or combat zones for which the United States Department of Defense authorizes a campaign badge or medal.
- Was listed as missing in action.
- Was captured in the line of duty by a hostile force.
- Was forcibly detained or interned in line of duty by a foreign government or power.

To qualify for the scholarship, the veteran's child must also meet the following criteria:

- Be under 25 years of age at the time of application for a scholarship.
- Be a domiciliary of North Carolina and a resident of North Carolina when applying for a scholarship
- Have completed high school or its equivalent prior to receipt of the scholarship.
- Have complied with the requirements of the Selective Service System, if applicable.
- Meet one of the following requirements:
 - Has a veteran parent who was a legal resident of North Carolina at the time of the veteran's entrance into the period of service in the Armed Forces during which eligibility is established for the scholarship.
 - Was born as the child of a veteran in North Carolina and has been a resident of North Carolina continuously since birth, with certain limited exceptions.

An individual legally adopted by the veteran prior to reaching the age of 15 may also satisfy either of these conditions.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 125

Page 2

BILL ANALYSIS: SB 125 would add the following, in addition to children adopted prior to reaching the age of 15, as individuals who may qualify as children of veterans for the various scholarships, by referencing the federal definition of "child" used for determination of Pay and Allowances of the Uniformed Services:

- A stepchild of the member. This does not include a stepchild after the divorce of the member from the stepchild's parent by blood.
- An adopted child of the member, including a child placed in the home of the member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member.
- An illegitimate child of the member if the member's parentage of the child is established in accordance with criteria prescribed in regulations by the Secretary of the relevant service branch.

EFFECTIVE DATE: SB 125 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 125

Short Title: Children of Wartime Veterans Modifications. (Public)

Sponsors: Senators D. Davis, Brown (Primary Sponsors); Ballard, Britt, Rabin, and Waddell.

Referred to: Rules and Operations of the Senate

February 23, 2017

A BILL TO BE ENTITLED
AN ACT TO ENSURE THAT ALL ELIGIBLE CHILDREN CAN OBTAIN SCHOLARSHIPS
UNDER PART 2 OF ARTICLE 14 OF CHAPTER 143B OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-1224(3) reads as rewritten:

"§ 143B-1224. Definitions.

As used in this Part the terms defined in this section shall have the following meaning:

...

(3) "Child" means a person: (i) under 25 years of age at the time of application for a scholarship, (ii) who is a domiciliary of North Carolina and is a resident of North Carolina when applying for a scholarship, (iii) who has completed high school or its equivalent prior to receipt of a scholarship awarded under this Part, (iv) who has complied with the requirements of the Selective Service System, if applicable, and (v) who further meets one of the following requirements:

a. A person whose veteran parent was a legal resident of North Carolina at the time of said veteran's entrance into that period of service in the Armed Forces during which eligibility is established under G.S. 143B-1226.

b. A veteran's child who was born in North Carolina and has been a resident of North Carolina continuously since birth. Provided, that the requirement in the preceding sentence as to birth in North Carolina may be waived by the Department of Military and Veterans Affairs if it is shown to the satisfaction of the Department that the child's mother was a native-born resident of North Carolina and was such resident at the time of her marriage to the veteran and was outside the State temporarily at the time of the child's birth, following which the child was returned to North Carolina within a reasonable period of time where said child has since lived continuously.

c. A person meeting either of the requirements set forth in ~~subdivision (3) a or b above, and who was sub-subdivision (3)a. or b. of this subdivision~~ who was or is either of the following:

1. ~~legally~~ Legally adopted by the veteran prior to said person's reaching the age of 15 years.

2. A child, as that term is defined in 37 U.S.C. § 401."

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







NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 125

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

S125-ATC-20 [v.4]

Page 1 of 1

Amends Title [NO]
First Edition

Date _____, 2017

Senator D. Davis

1 moves to amend the bill on page 1, lines 29-34, by rewriting those lines to read:
2
3

4 "c. A person meeting either of the requirements set forth in subdivision
5 (3) a or b above, and who was ~~legally adopted by the veteran prior to~~
6 ~~said person's reaching the age of 15 years~~ a child, as that term is
defined in 37 U.S.C. § 401."".

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* S 1 2 5 - A T C - 2 0 - V - 4 *



Senate Committee
On
Education/Higher Education

March 14, 2017
Room 544
12:00 PM

Senate Sergeant at Arms

Giles Jeffreys
Frances Patterson



Senate Pages Attending

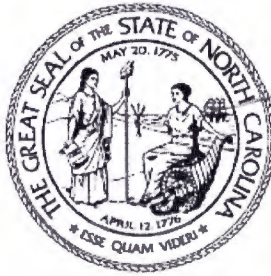
COMMITTEE: Education/Higher Education ROOM: 544
DATE: 3-14 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

Page Name	Hometown	Sponsoring Senator
1. Aleksia kleine	Cary	Senator Tamara Barringer
2. Jillian Jessup	Raleigh	Senator John Alexander
3. Katie Grush	Holly Springs	Senator Tamara Barringer
4. Caitlyn Sosbe	Plougemont	Senator Michael Woodard
5. Ashleigh Perkins		
6. Jennifer Holcomb	Lexington	Dunn
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





Joint Committee on Education/Higher Education

March 14 - Room 544 - 12:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Jane Royall	NCTPC
W. Doreen Calypso	PPAB
Wendy Kelly	Focus Carolina
Rhaegan Jackson	Focus Carolina
FRED A. Hedgepeth	Moherrin Indian Tribe AGOSKIE NC
Adam Prudenre	WCSB
Robb Jansen	WCSBE
Dianna Curren	SEPN/C
Peggy Smith	SOG
Heidi Burko	MWP
Jerica Morgan	EPFP
Brook Thompson	EPFP
Trisha Caviness	EPFP
Rachel McBroom	EPFP





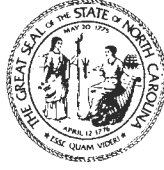
Joint Committee on Education/Higher Education

March 14 – Room 544 – 12:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Sam Johnson	North Carolina PTA
Jonathan Kessler	UNC GA
Andreas Cagle	UNCG
Sam Wat	NCICU
Bruce Alden	NCSBA
Peter Moretz	UNC GA
Jennifer McBrayer	EPFP NC Public School Forum
Andrew Martin-McCoy	EPFP - NC Public School Forum
Marco Fonseca	EPFP
Chris Droughton	MWC
Marge Foreman	NCAE
Butch Sunnell	NCBA
Rhett Morgan	Chancellor's Office





**SENATE EDUCATION/HIGHER EDUCATION COMMITTEE
2017-2018**

April 4, 2017

MEMORANDUM

TO: Members of the Senate

FROM: Senator Chad Barefoot, Senator David Curtis, and Senator Michael Lee, Co-Chairs, Senate Education/Higher Education Committee

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

Pursuant to G.S. 115D-2.1(b)(4)f., the Senate Education/Higher Education Committee met on April 4, 2017, the majority of members being present, and submits the following nominees, in alphabetical order, to be considered by the Senate for election to the State Board of Community Colleges for membership to a six-year term, beginning July 1, 2017.

Mr. J. Wesley Fricks
Mr. Wade Bryan Irwin
Dr. Darrell Saunders

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

Senator Chad Barefoot, Senator David Curtis, and Senator Michael Lee, Co-Chairs, Senate Education/Higher Education Committee



Senate Committee on Education/Higher Education
Tuesday, April 4 at Noon
Room 544

MINUTES

The Senate Committee on Education/Higher Education met at Noon on April 4, 2017, in Room 544. 13 members were present.

Senator David Curtis presided.

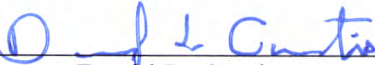
Senator Curtis opened the meeting by recognizing the Senate Pages and Senate Sergeant at Arms.

SB252: North Carolina Teaching Fellows. (Senators Barefoot, Lee, Ballard)

Senator Waddell motioned to hear the PCS. Senator Barefoot presented the bill. Lt. Gov. Dan Forest, spoke in favor of the bill. North Carolina State Superintendent Mark Johnson, spoke in favor of the bill. Dr. Mary Ann Danowitz, Dean of the College of Education at NCSU, spoke in favor of the bill. Wingate Smith, Former Teaching Fellow and Special Education Math teacher in Winston Salem Forsyth County Schools spoke in favor of the bill. Dr. Michael Maher, Assistant Dean for Professional Education and Accreditation at the College of Education at NC State University, spoke in favor of the bill. Dr. Hope Williams, President of the North Carolina Independent Colleges and Universities, spoke in favor of the bill.

The committee heard nominations for the State Board of Community Colleges. The names put forth are listed in the committee report (attached).

The meeting adjourned at 12:47 p.m.



Senator David L. Curtis
Presiding



Lynn Tennant, Committee Clerk



Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 4, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 252	North Carolina Teaching Fellows.	Senator Barefoot Senator Lee Senator Ballard

The State Board of Community Colleges nominations will be held in this meeting.

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Tuesday, April 4, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

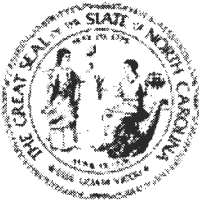
BILL NO.	SHORT TITLE	SPONSOR
SB 252	North Carolina Teaching Fellows.	Senator Barefoot Senator Lee Senator Ballard

Other Business

The State Board of Community Colleges nominations will be held in this meeting.

Adjournment





SENATE BILL 252: North Carolina Teaching Fellows.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 4, 2017
Introduced by:	Sens. Barefoot, Lee, Ballard	Prepared by:	Kara McCraw and Drupti Chauhan
Analysis of:	PCS to First Edition S252-CSRQ-3		Committee Counsel

OVERVIEW: *Senate Bill 252 would re-establish the North Carolina Teaching Fellows Program (Program) to provide forgivable loans to students preparing to be licensed teachers in science, technology, engineering, math (STEM), or special education.*

The Proposed Committee Substitute (PCS) makes the following changes to the bill including:

- *Clarifying that the North Carolina Teaching Fellows Fund that is created is a Trust Fund.*
- *Stating that the Director of the North Carolina Teaching Fellows Commission (Commission) reports to the President of The University of North Carolina.*
- *Directing the State Education Assistance Authority to use up \$600,000 each fiscal year for administrative costs, the Director's salary, expenses of the Commission, and to provide the Commission with funds to use for the Program's extracurricular enhancement activities.*
- *Providing that interest of the forgivable loan begin accruing on September 1 after the completion of the program leading to teacher licensure rather than 90 days after the completion of the program.*
- *Allowing recipients who decide to repay the forgivable loans 10 years to repay rather than 8 years (this option is in lieu of teaching).*
- *Providing that repayment of the forgivable loan would begin on September 1 after the completion of the program leading to teacher licensure rather than 27 months after the completion of the program.*
- *Changing the purpose of the funds in the North Carolina Education Endowment Fund to provide that the monies in the North Carolina Education Endowment Fund are to be used to fund the Program and removes a \$6,000,000 appropriation from the General Fund.*

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: Section 1 of the PCS for House Bill 339 would re-establish the North Carolina Teaching Fellows Program (Program) and the North Carolina Teaching Fellows Commission (Commission)

Karen Cochrane-Brown
Director



Legislative Analysis
Division
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Senate PCS 252

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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 who would report to the President of The University of North Carolina. 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
- 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 10 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

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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.
- 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: 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.

Section 2 of the PCS would require that the monies in the North Carolina Education Endowment Fund shall only be appropriated for the forgivable loans for the Program and the administration of the program.

Section 3 of the PCS makes a conforming change regarding the administration of the outstanding forgivable loans awarded by the former North Carolina Teaching Fellows Commission.

EFFECTIVE DATE: The bill would become effective July 1, 2017. The Program, Commission, Trust Fund, and changes to the North Carolina Education Endowment Fund become effective only if funds are appropriated in an Appropriations Act for the 2017-2018 fiscal year.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 252
PROPOSED COMMITTEE SUBSTITUTE S252-CSRQ-3 [v.6]

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Short Title: North Carolina Teaching Fellows.

(Public)

Sponsors:

Referred to:

March 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REESTABLISH THE NORTH CAROLINA TEACHING FELLOWS
3 PROGRAM.

4 The General Assembly of North Carolina enacts:

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

7 "Part 3. North Carolina Teaching Fellows Program.

8 **"§ 116-209.60. Definitions.**

9 The following definitions apply in this Part:

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

20 **"§ 116-209.61. North Carolina Teaching Fellows Commission established; membership.**

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

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

- 29 (1) The Board of Governors of The University of North Carolina shall appoint
30 seven members to the Commission as follows:
31 a. Two deans of approved schools of education at postsecondary
32 constituent institutions of The University of North Carolina.
33 b. The president of a North Carolina community college.
34 c. A teacher who graduated from an approved educator preparation
35 program located in the State within three years of appointment to
36 serve 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
8 postsecondary institution operating in the State upon the
9 recommendation of the Speaker of the House of Representatives.
10 b. One dean of an approved school of education at a private
11 postsecondary institution operating in the State upon the
12 recommendation of the 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
22 the Board of the State Education Assistance Authority and Director of the North Carolina
23 Teaching Fellows Program, who have otherwise completed their term of service, shall continue
24 to serve on the Commission until July 1, annually.
25 (d) Vacancies. – Except as otherwise provided, if a vacancy occurs in the membership
26 of 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
30 membership of the Commission to serve one-year terms. The Commission shall meet regularly
31 at times and places deemed necessary by the chair or, in the absence of the chair, by the
32 vice-chair.
33 (f) Conflict of Interest. – A member of the Commission shall abstain from voting on
34 the selection of an educator preparation program of a postsecondary constituent institution of
35 The University of North Carolina or a private postsecondary institution operating in the State
36 under G.S. 116-209.62(f) if the member is an officer or employee of the institution or sits as a
37 member of the institution's board of directors.
38 (g) Expenses. – Commission members shall receive per diem, subsistence, and travel
39 allowances in accordance with G.S. 138-5 or G.S. 138-6, as appropriate.
40 **"§ 116-209.62. North Carolina Teaching Fellows Program established; administration.**
41 (a) Program. – There is established the North Carolina Teaching Fellows Program to be
42 administered by the General Administration of The University of North Carolina, in
43 conjunction with the Authority and the Commission. The purpose of the Program is to recruit,
44 prepare, and support students residing in or attending institutions of higher education located in
45 North Carolina for preparation as highly effective STEM or special education teachers in the
46 State's public schools. The Program shall be used to provide a forgivable loan to individuals
47 interested in preparing to teach in the public schools of the State in STEM or special education
48 licensure areas.
49 (b) Trust Fund. – There is established the North Carolina Teaching Fellows Program
50 Trust Fund to be administered by the Authority, in conjunction with the General Administration
51 of The University of North Carolina. All funds (i) appropriated to, or otherwise received by, the



1 Program for forgivable loans; (ii) all funds received as repayment of forgivable loans; and (iii)
2 all interest earned on these funds shall be placed in the Trust Fund. The purpose of the Trust
3 Fund is to provide financial assistance to qualified students for completion of teacher education
4 and licensure programs to fill STEM or special education licensure areas in the public schools
5 of the State.

6 (c) Uses of Monies in the Trust Fund. – The monies in the Trust Fund may be used only
7 for forgivable loans granted under the Program, administrative costs associated with the
8 Program, including recruitment and recovery of funds advanced under the Program, and
9 extracurricular enhancement activities of the Program. The Authority may use up to six
10 hundred thousand dollars (\$600,000) from the Trust Fund in each fiscal year for its
11 administrative costs, the salary of the Director of the Program, expenses of the Commission,
12 and provide the Commission with funds to use for the extracurricular enhancement activities of
13 the Program.

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

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

28 (1) Grade point averages.

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

30 (3) Experience, accomplishments, and other criteria demonstrating qualities
31 positively correlated with highly effective teachers, including excellent
32 verbal and communication skills.

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

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

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

45 (2) Demonstrates measurable impact of prior graduates on student learning,
46 including impact of graduates teaching in STEM or special education
47 licensure areas.

48 (3) Demonstrates high rates of graduates passing exams required for teacher
49 licensure.



- 1 (4) Provides curricular and co-curricular enhancements in leadership, facilitates
2 learning for diverse learners, and promotes community engagement,
3 classroom management, and reflection and assessment.
- 4 (5) Requires at least a minor concentration of study in the subject area that the
5 candidate may teach.
- 6 (6) Provides early and frequent internship or practical experiences, including the
7 opportunity for participants to perform practicums in diverse school
8 environments.
- 9 (7) Is approved by the State Board of Education as an educator preparation
10 program.
- 11 (g) Awards of Forgivable Loans. – The Program shall provide forgivable loans to
12 selected students to be used at the five selected institutions for completion of a program leading
13 to teacher licensure as follows:
- 14 (1) North Carolina high school seniors. – Forgivable loans of up to eight
15 thousand two hundred fifty dollars (\$8,250) per year for up to four years.
- 16 (2) Students applying for transfer to a selected educator preparation program at
17 an institution of higher education. – Forgivable loans of up to eight thousand
18 two hundred fifty dollars (\$8,250) per year for up to three years.
- 19 (3) Individuals currently holding a bachelor's degree seeking preparation for
20 teacher licensure. – Forgivable loans of up to eight thousand two hundred
21 fifty dollars (\$8,250) per year for up to two years.
- 22 (4) Students matriculating at institutions of higher education who are changing
23 to enrollment in a selected educator preparation program. – Forgivable loans
24 of up to eight thousand two hundred fifty dollars (\$8,250) per year for up to
25 two years.
- 26 Forgivable loans may be used for tuition, fees, and the cost of books.
- 27 (h) Identification of STEM and Special Education Licensure Areas. – The
28 Superintendent of Public Instruction shall identify and provide to the Commission and the
29 Authority a list of STEM and special education licensure areas and shall annually provide to
30 the Commission the number of available positions in each licensure area relative to the number
31 of current and anticipated teachers in that area of licensure. The Commission shall make the list
32 of STEM and special education licensure areas readily available to applicants.
- 33 (i) Administration of Forgivable Loan Awards. – Upon the naming of recipients of the
34 forgivable loans by the Commission, the Commission shall transfer to the Authority its
35 decisions. The Authority, in coordination with the Director, shall perform all of the
36 administrative functions necessary to implement this Part, which functions shall include rule
37 making, dissemination of information, liaison with participating institutions of higher
38 education, implementing forgivable loan agreements, loan monitoring, loan cancelling through
39 service and collection, determination of the acceptability of service repayment agreements,
40 enforcing the agreements, and all other functions necessary for the execution, payment, and
41 enforcement of promissory notes required under this Part.
- 42 (j) Annual Report. – The Commission, in coordination with the Authority, shall report
43 no later than January 1, 2019, and annually thereafter, to the Joint Legislative Education
44 Oversight Committee regarding the following:
- 45 (1) Forgivable loans awarded from the Trust Fund, including the following:
46 a. Demographic information regarding recipients.
47 b. Number of recipients by institution of higher education and program.
48 c. Information on number of recipients by anticipated STEM and
49 special education licensure area.
- 50 (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 elected to do 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 as provided annually by the State Board of Education to the Commission 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 on the first day of September after the 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 10 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 the first day of September 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.



1 **SECTION 1.(c)** The Commission shall establish initial selection criteria for
2 recipients and select the five institutions of higher education with approved educator
3 preparation programs at which a recipient may use a forgivable loan no later than November
4 15, 2017, and shall make available applications to prospective students no later than December
5 31, 2017.

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

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

11 **SECTION 2.** G.S. 115C-472.16(b) reads as rewritten:

12 "(b) The General Assembly shall only appropriate moneys in the North Carolina
13 Education Endowment Fund for ~~teacher compensation that is related directly to improving~~
14 ~~student academic outcomes in the public schools of the State; the forgivable loans for the North~~
15 Carolina Teaching Fellows Program and administration of the North Carolina Teaching
16 Fellows Program under Part 3 of Article 23 of Chapter 116 of the General Statutes."

17 **SECTION 3.** G.S. 116-209.27(a) reads as rewritten:

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

22 **SECTION 4.** This act is effective July 1, 2017. Sections 1 and 2 of this act
23 become effective only if funds are appropriated in a Current Operations Appropriations Act for
24 the 2017-2018 fiscal year to implement the provisions of Sections 1 and 2 of this act.





NORTH CAROLINA GENERAL ASSEMBLY
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Karen Cochrane-Brown
Director

To: Senator Chad Barefoot, Senator David Curtis, and Senator Michael Lee, Co-Chairs, Senate Education/Higher Education

From: Brian Gwyn, Staff Attorney

Date: April 4, 2017

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

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

Nominee	Sponsor	SEI Submitted	CV Submitted	Statutory Disability
Fricks, J. Wesley	Sen. Barefoot	Yes.	Yes.	None.
Irwin, Wade Bryan	Sen. Ballard	Yes.	Yes.	None. Mr. Irwin is a current member of the SBCC and is eligible for reelection. He is an Alleghany County Commissioner, but G.S. 128-1.1 allows one to hold one appointive office and one elective office in either State or local government.
Saunders, Darrell	Sen. Tillman	Yes.	Yes.	None. Dr. Saunders is a current member of the SBCC and is eligible for reelection.

STATUTORY REQUIREMENTS FOR COMMITTEE SELECTION OF NOMINEES FOR THE STATE BOARD OF COMMUNITY COLLEGES

- List all candidates.
- Separately vote "aye" or "no" on each candidate to determine if that person should be listed as a nominee. A verbal vote of those present and voting shall constitute one nominee of the committee.
- Nominate at least two people for each seat if there are sufficient candidates. Otherwise, nominate at least one person for each seat.

MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES

- Current term of office expires on June 30, 20017.
- No member may serve more than two consecutive six year terms.

INDIVIDUALS STATUTORILY BARRED FROM SERVING

- A member of the General Assembly.
- An officer or employee of the State.
- An officer or employee of any institution under the jurisdiction of the State Board.
- A spouse of any of the above.
- Any person who within the prior 5 years has been an employee of the Community College System Office.

J. Wesley Fricks III

2619 Saint Mary's St, Raleigh, NC 27609 • (919) 995-5538 • j.wesley.fricks@gmail.com

Experience

North Carolina Department of Transportation Deputy Secretary for Interagency Affairs

February 2016 – January 2017
Raleigh, NC

- Filled a newly formed position to represent the Agency in statewide economic development initiatives, established collaborative relationships with NC Commerce, the Economic Development Partnership of North Carolina and other related entities across the state to ensure communications to/from DOT were prompt, accurate and actionable.

Grandbridge Real Estate Capital, a subsidiary of BB&T

June 2011 – February 2016
Raleigh, NC

Assistant Vice President (*provider of permanent financing solutions for income producing real estate*)

- Hired as a financial analyst, promoted to Assistant Vice President and manager of Raleigh office in 2013.
- President's Award recognition for fee income production over \$750,000 in 2013 and 2014.
- Led prospecting, underwriting, marketing, and loan negotiation for clients seeking permanent, non-recourse financing for commercial and multifamily real estate; managed numerous capital relationships: Life Insurance, Agency and CMBS.

Wake County Economic Development

Aug. 2010 to June 2011
Raleigh, NC

Project Manager (*lead economic development agency for Wake County, NC*)

- Cultivated executive relationships and led cluster development focusing on companies involved in defense technologies and smart grid solutions; engaged with departments at NC State and Wake Tech to promote clusters.

Aqua Sciences, Inc.

Aug. 2008 to July 2010
Washington, DC; Miami, FL

Vice President, Global Operations (*advanced water generation technology*)

- Retained full-time from consulting engagement to lead operations in markets around the globe, managed opportunities in U.S. (FEMA and DOD), Caribbean, and the MENA Region.
- Project managed pilot deployment of infrastructure package to large oilfield services provider in Saudi Arabia; managed all logistics, multi-national customs, intermodal transport, technical operations and was responsible for producing periodic status reports to the client, corporate leadership and investors.

CI Group, LLC.

Sept. 2005 to Aug. 2008
Washington, DC

Senior Account Executive (*public affairs and global issues management firm*)

- Developed and executed federal and state government affairs strategies for company's portfolio clients.
- Imagined and orchestrated demonstration program in Washington, DC, introducing the Aqua Sciences Emergency Water Station to government decision-makers, lawmakers and media outlets, resulting in elevated international profile of company, garnering technology and innovation awards from both the Wall Street Journal and Time Magazine.

Administration of President George W. Bush

2002 – 2005/2008
Washington, DC

- White House Office of Presidential Advance, Advance Staff Lead
 - Represented 43rd President of the United States and The White House in advance of Presidential trips; provided support for domestic and international Presidential travel coordinating with U.S. Secret Service, White House Communications Agency, White House staff and press corps; traveled on Air Force One.
 - Selected as member of advance team for 2008 Summer Olympics in Beijing; supported team by leading dedication ceremony of new U.S. Embassy in Beijing; organized official reception for CEOs of Team USA corporate sponsors.
- White House Office of Strategic Initiatives, Staff Assistant
 - Project Manager for Presidential events; coordinated across multiple White House offices, led daily event planning meeting to facilitate input from multiple stakeholders, produced daily Presidential event and political briefing papers.
- 55th Presidential Inaugural Committee, Managing Director of Transportation
- Bush-Cheney '04, Inc., Deputy Staff Secretary
- The White House Office of Political Affairs, Intern

Education

Auburn University, BS in Agricultural Business and Economics,

December 2002

- SGA Secretary of Student Affairs, University Traffic Appeals Board, Fraternity President

The Baylor School, Diploma, Chattanooga, TN

May 1998

Community Involvement

- North Carolina Board of Community Colleges (2014-2015): Board Member
- Marbles Kids Museum (2011 - 2014): Board Member, cultivated new corporate relationship, resulting in \$1MM donation
- John Locke Foundation (2013): EA Morris Fellowship for Emerging Leaders
- Salvation Army, T-Ball Coach; Neighbor to Neighbor Outreach, Jobs for Life Mentor





STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

April 3, 2017

The Honorable Chad Barefoot
The Honorable David Curtis
The Honorable Michael Lee
Co-Chairmen, Education/Higher Education Committee
N.C. Senate
300 N. Salisbury Street, Room 544
Raleigh, NC 27603-5925

via email

**Re: Statement of Economic Interest for Potential Member of the State Board of
Community Colleges**

Dear Senators Barefoot, Curtis and Lee:

Our office is in receipt of **Mr. J. Wesley Fricks, III's** 2017 Statement of Economic Interest as a potential member of the State Board of Community Colleges ("the Board"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest or the potential for a conflict of interest.

The State Board of Community Colleges implements Chapter 115D of the General Statutes, which provides for the establishment, organization, and administration of a statewide system of educational institutions in the form of two-year community colleges. Among other things, the Board recommends the establishment of community colleges after determining that an educational need exists within a proposed administrative area; approves the expenditure of any State funds for capital improvements of existing institutions; develops appropriate criteria and standards to regulate the addition and operation of college transfer programs to institutions; and adopts and executes such policies, regulations, and standards concerning the establishment, administration, and operation of institutions as the Board deems necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.



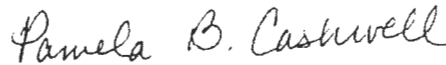
Senators Barefoot, Curtis and Lee
April 3, 2017
Page 2 of 2

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

If you have any questions about any of the foregoing, please do not hesitate to give me a call.

Sincerely,



Pamela B. Cashwell
Assistant Director

cc: Mr. J. Wesley Fricks, III





NORTH CAROLINA STATE ETHICS COMMISSION
2017 STATEMENT OF ECONOMIC INTEREST

919-814-3600

www.ethicscommission.nc.gov

COMPLETE THIS FORM AND MAIL SIGNED, ORIGINAL TO
STATE ETHICS COMMISSION, 1324 MAIL SERVICE CENTER, RALEIGH, NC 27699-1324

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	First Name	Middle Name	Last Name	Suffix
Mr.	Joseph	W	Fricks	III
CURRENT EMPLOYER			JOB TITLE	
none			na	
NATURE OR TYPE OF BUSINESS				
na				
REASON FOR FILING (SELECT ALL THAT APPLY)				
STATE GOVERNMENT JOB (Specify Agency)			BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered)	
			Community Colleges, State Board of;	
JUDICIAL OFFICER (Specify Office)			LEGISLATOR (Specify House or Senate)	

A. Do other immediate family members reside in your household?

☒ Yes ☐ No

When used throughout this form, the term **Immediate family** includes your spouse (unless legally separated). It also includes members of your extended family (your and your spouse's children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) who reside in your household.

List the full name of **all adults and emancipated minors** in your household. A minor is a child under 18 years old. Minors are emancipated by marriage, enlistment in the US military, or court order for emancipation.

FULL NAME OF ADULTS & EMANCIPATED MINORS	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
Blake Fricks	Wife	Smith Anderson	Attorney	Legal

B. List **ONLY** the initials of all unemancipated minors in your household below. A minor is a child under 18 years old.

Note: You must list the full name of each minor child on the Confidential Form available at the end of this document.

INITIALS FOR UNEMANCIPATED CHILDREN	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
JWF	son	na	na	na
SSF	son	na	na	na

PROPERTY INTERESTS

1. As of December 31, 2016, did you, your spouse, or members of your immediate family:

A. Have an ownership interest in North Carolina real estate (including your residence) with a market value of \$10,000 or more?

☒ Yes ☐ No

Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Blake and Wesley Fricks	100	Raleigh	Wake
Blake and Wesley Fricks via Mt Island Promenade LLC	0.08	Charlotte	Mecklenburg

B. Lease or rent real estate or personal property to or from the State of North Carolina with a market value of \$10,000 or more?

☐ Yes ☒ No

Name of Lessor	Name of Lessee (Renter)	If Real Estate, Location by City & County	If Personal Property, Describe

2. At any time during 2015 or 2016, did you, your spouse, or members of your immediate family sell to or buy from the State of North Carolina personal property with a market value of \$10,000 or more?

☐ Yes ☒ No

Name of Purchaser	Name of Seller	Type of Property

FINANCIAL INTERESTS

3. As of December 31, 2016, did you, your spouse, or members of your immediate family own any of the following financial interests valued at \$10,000 or more? LIST EACH COMPANY INDIVIDUALLY

A. Stock in a publicly owned company?

☐ Yes ☒ No

- Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if: (i) the fund is publicly traded or its assets are widely diversified; and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

B. Stock Options in a company or business?

☐ Yes ☒ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

C. Interests in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☒ Yes ☐ No If "No", proceed to question 4.

Owner of Interest	Name of Company or Business Entity
Blake and Wesley Fricks	MT Island Promenade LLC

C (1). For each non-publicly owned company or business entity (the "primary company") identified in question 3.C above, please list the names of *any other companies or business entities* in which the primary company owns securities or equity interests valued at over \$10,000, *if known*.

Non-Publicly Owned Company or Business Entity (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
<input checked="" type="checkbox"/> None or Not Known	

C (2). If you know that any company or business entity listed in 3.C or 3.C(1) above has any material business dealings or business contracts *with the State of North Carolina*, or is *regulated by the State*, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
------------------------------------	---

☐ None or Not Known

MT Island Promenade LLC

Developer is working with NCDOT on economic development project at the subject property.

4. As of December 31, 2016, were you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of \$10,000 or more that was created, established, or controlled by you?

Do not list assets held in blind trusts. See 2017 SEI Helpful Tips for the definition of "Vested Trust" and "Blind Trust."

☐ Yes ☒ No

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

5. As of December 31, 2016, did you, your spouse, or members of your immediate family have liabilities of \$10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt.

☐ Yes ☒ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)

6. List each source of income (not specific amounts) of more than \$5,000 received by you, your spouse, or members of your immediate family during 2016. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, business income, and other types of income required to be reported on your State and federal tax returns.

Do not include income received from the following sources:

- ▶ Capital gains ▶ Federal government retirement
- ▶ Military retirement ▶ Social security income/SSDI

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
<input type="checkbox"/> I had no reportable income over \$5,000 in 2016.			
Wesley Fricks	Employer BB&T	Banking	Salary
Wesley Fricks	Employer NCDOT	Government	Salary
Blake Fricks	Employer Smith Anderson	Legal	Salary

PROFESSIONAL AND CIVIC RELATIONSHIPS

7(a). During 2016, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☐ Yes ☒ No If "No", proceed to question 8.

- ▶ Do not list State boards or entities, or entities created by a political subdivision of the State.
- ▶ Do not list organizations of which you are a mere member.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization

7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, please provide a brief description of the nature of that business, if known or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
---	--

☐ None or Not Known

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

8. During 2016, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?

☐ Yes ☒ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

▶ Do not list organizations of which you are only a member (not serving in a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

9(a). List the name of each company or business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2016.

Name of Person	Relationship to Filer	Name of Company	Role of Person
<input checked="" type="checkbox"/> No Business Associations			

9(b). If you know that any company or business entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2016, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
<input checked="" type="checkbox"/> Not applicable (No entities listed on #9a) <input type="checkbox"/> No relationship / Not known	

10. Are you a practicing attorney?

☐ Yes ☒ No ☐ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are affiliated has earned legal fees of more than \$10,000 during 2016.

- | | | | |
|---|---|---|-----------------------------------|
| <input type="checkbox"/> Administrative | <input type="checkbox"/> Admiralty | <input type="checkbox"/> Corporate | <input type="checkbox"/> Criminal |
| <input type="checkbox"/> Decedent's Estates | <input type="checkbox"/> Environmental | <input type="checkbox"/> Insurance | <input type="checkbox"/> Labor |
| <input type="checkbox"/> Local Government | <input type="checkbox"/> Real Property | <input type="checkbox"/> Securities | <input type="checkbox"/> Tax |
| <input type="checkbox"/> Tort litigation (including negligence) | <input type="checkbox"/> Utilities Regulation | <input type="checkbox"/> Other category not listed. | |

11. During 2016, were you a licensed professional (other than an attorney) or did you provide consulting services individually or as a member of a professional association for which you charged or were paid over \$10,000?

☐ Yes ☒ No

Type of Business	Nature of Services Rendered

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

12. Are you or your employer, your spouse or members of your immediate family, or their employer currently:

- Licensed by the State board or employing entity with which you are or will be associated or
- Regulated by the State board or employing entity with which you are or will be associated or
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☒ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in the SEI Helpful Tips) or you are filing as an appointee to those offices.

Name of Person	Name of Employer (if applicable)	Type of Relationship (Licensing, Regulatory, Business)

13. Are you, your spouse, or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such within the 12 months preceding your filing of this form?

☐ Yes ☒ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

OTHER DISCLOSURES

14. During any calendar quarter in 2016 (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

- receive any gift(s) exceeding \$200 per quarter from a person or group of persons acting together, and
- when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), and
- the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☒ No

- ▶ Do not report gifts given by members of your extended family.
- ▶ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

15. During 2016 (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) did you

- accepted a "scholarship" exceeding \$200 from a person or group of persons acting together and
- those person(s) were outside North Carolina and
- the scholarship was related to your public position? A "scholarship" is a grant-in-aid, either direct or indirect, to attend a conference, meeting, or similar event, including tuition, travel, lodging, meals, and other similar expenses.

☐ Yes ☒ No ☐ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

- ▶ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."
- ▶ Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

16. Were you appointed or are you being considered for an appointment to a covered board by the Governor or another Council of State member?

Council of State members are:

- Governor
- Lt. Governor
- Secretary of State
- State Auditor
- State Treasurer
- Superintendent of Public Instruction
- Attorney General
- Commissioner of Agriculture
- Commissioner of Labor
- Commissioner of Insurance

☐ Yes ☒ No

If "Yes", list all contributions you (NOT immediate family members) made during 2016 with a cumulative total of more than \$1,000 to the Governor or other Council of State member who appointed you.

- ▶ Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to

☐ No contribution(s) with a cumulative total of more than \$1,000

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

17. Are you an appointee or prospective appointee to:

- a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor;
or
b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge;
or
c. a member of any of the following boards:

- ABC Commission
- Coastal Resources Commission
- State Board of Education
- State Board of Elections
- Division of Employment Security
- Environmental Management Commission
- Industrial Commission
- Human Resources Commission
- Rules Review Commission
- Board of Transportation
- UNC Board of Governors
- Utilities Commission
- Wildlife Resources Commission

☐ Yes ☒ No

If "No", proceed to question 18.

d. If so, were you appointed or are you being considered for appointment to that public position by a Council of State member? Council of State members are listed in question 16.

☐ Yes ☐ No

If "No", proceed to question 18.

e. If so, you must indicate whether during 2016 you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position:

☐ Yes ☐ No

i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in question 16.

ii. Hosted a fundraiser at your residence or place of business?

☐ Yes ☐ No

iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?

☐ Yes ☐ No

18. Have you ever been convicted of a felony for which you have not received either: (i) a pardon of innocence; or (ii) an order of expungement regarding that conviction?

☐ Yes ☒ No

Offense	Date of Conviction	County of Conviction	State of Conviction

19. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☐ Yes ☒ No If yes, please provide such information below.

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

☒ I Agree. It is my intention that this check box constitutes my electronic signature. By checking this box I certify that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

Filed Electronically

3/16/2017

Signature

Date

Joseph W Fricks, III

Printed Name



Wade Bryan Irwin, Jr.
307 Irwin Valley Road
Sparta, North Carolina 28675
WBI@skybest.com
336-372-4401(h) 336-466-1616 ©

Resume

Owner of Stratford Oaks Farm.....a cattle farm that has been in the Irwin family for over 150 years in Alleghany County.

Attended Alleghany County Schools in Sparta, NC. and Montgomery County Schools in Bethesda, Md., including Montgomery Community College.

Served in the US Marine Corp, combat photographer in Vietnam (1965-67) and in the Marine Corp Reserves. (1967-1977)

Business owner of Twin Oaks General Store 1992-2016

Employed by Sparta Pipes/Sparta Craft as Sales Marketing Executive (1981-1992)

Father of Bryan who serves in the ALE and Jennifer, a Montessori teacher. Dr. Suzanne M. Irwin, spouse, serves as vice chair for NCSEAA Board and is a member of the Alleghany County School Board. In the past, she also served as a trustee for Wilkes Community College.

State Involvement:

Appointed by Governor Pat Mc Cory to serve on the State Board of Community Colleges. (2013) Served on the following committees: Personnel, Policy, Strategic Planning, Calendar, Program, and the Presidential Search Committee. Attendance 100%!



County/Community Involvement:

Elected Alleghany County Commissioner in 2014 serving as Vice Chairman. Involved with the following committees: Council on Aging, Veterans Affairs, and Vaya Mental Health Regional Board (23 counties), Regional Health Board (5 counties), Economic Development Council for Alleghany County, and Courthouse Security.

Founding member in 1987 of the Alleghany County Educational Foundation -continues to serve on the Scholarship Board

Founding member of the Walter F. Osborne Marine League Detachment# 1298 in Sparta, NC.

Served on the Alleghany County School Board for 12 years including 8 years as chairman.

Nominated by President Reagan to serve on the Selective Service Board. Served for 20 years representing the Northwest NC area.

Member of the Triad Volleyball Association for 21 years and continues to serve as a high school volleyball official.

Trustee for the Antioch Primitive Baptist Church and Cemetery committee.

Member of the NC Angus Association and the Alleghany Cattlemen's Association.

Personal Remarks:

It is my desire to be re-appointed to the NC State Board Community Colleges. Serving on this Board has been an honorable experience filled with moments of providing opportunities to those seeking educational experiences.





STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

April 3, 2017

The Honorable Chad Barefoot
The Honorable David Curtis
The Honorable Michael Lee
Co-Chairmen, Education/Higher Education Committee
N.C. Senate
300 N. Salisbury Street, Room 544
Raleigh, NC 27603-5925

via email

Re: Statement of Economic Interest for Potential Member of the State Board of Community Colleges

Dear Senators Barefoot, Curtis and Lee:

Our office is in receipt of **Mr. Wade B. Irwin's** 2013 Statement of Economic Interest and 2017 No Change Form as a potential member of the State Board of Community Colleges ("the Board"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest or the potential for a conflict of interest.

The State Board of Community Colleges implements Chapter 115D of the General Statutes, which provides for the establishment, organization, and administration of a statewide system of educational institutions in the form of two-year community colleges. Among other things, the Board recommends the establishment of community colleges after determining that an educational need exists within a proposed administrative area; approves the expenditure of any State funds for capital improvements of existing institutions; develops appropriate criteria and standards to regulate the addition and operation of college transfer programs to institutions; and adopts and executes such policies, regulations, and standards concerning the establishment, administration, and operation of institutions as the Board deems necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.



Senators Barefoot, Curtis and Lee

April 3, 2017

Page 2 of 2

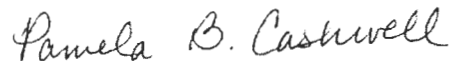
The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Irwin is a cattle farmer and currently serves on the State Board of Community Colleges.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

If you have any questions about any of the foregoing, please do not hesitate to give me a call.

Sincerely,



Pamela B. Cashwell
Assistant Director

cc: Mr. Wade B. Irwin





NORTH CAROLINA STATE ETHICS COMMISSION
2017 STATEMENT OF ECONOMIC INTEREST

NO CHANGE FORM

THIS ENTIRE FORM MUST BE COMPLETED TO
FULFILL YOUR ETHICS FILING OBLIGATION

FOR ETHICS COMMISSION USE ONLY
Date Received:

Checked for completion 2017 JAN 20 by [Signature]

Scanned _____ Date _____

Entered in DB 1/30 by [Signature]

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	First Name	Middle Name	Last Name	Suffix
MR.	WADE	BRYAN	IRWIN	Jr.
REASON FOR FILING (COMPLETE ALL THAT APPLY)				
STATE GOVERNMENT JOB (Specify Agency and Position)		BOARD/COMMISSION (List the complete name of all State boards on which you are serving or are being considered)		
		NC. State Board of Community Colleges		
JUDICIAL OFFICER (Specify Office)		LEGISLATOR (Specify House or Senate)		
AFFIRMATION I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief. I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest. I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record. I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information: § 138A-26. Concealing or failing to disclose material information. A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45. § 138A-27. Penalty for false information. A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45. I hereby affirm that I have reviewed my most recently filed 2016 Statement of Economic Interest and that as of December 31, 2016, my responses continue to be true, correct, and complete to the best of my knowledge and belief. <input checked="" type="checkbox"/> I Agree				
Signature <u>Wade B. Irwin, Jr.</u>			Date <u>1-26-2017</u>	
Printed Name <u>WADE BRYAN IRWIN, Jr.</u>				
Submit SIGNED, ORIGINAL documents only. Do not fax or e-mail this form.				





NORTH CAROLINA STATE ETHICS COMMISSION
2013 STATEMENT OF ECONOMIC INTEREST

919-715-2071

www.ethicscommission.nc.gov

COMPLETE THIS FORM AND MAIL SIGNED, ORIGINAL TO
STATE ETHICS COMMISSION, 1324 MAIL SERVICE CENTER, RALEIGH, NC 27699-1324

FILER'S NAME (FIRST, MIDDLE, LAST)			
First Name	Middle Name	Last Name	Suffix
Wade	Bryan	Irwin	Jr.
MAILING ADDRESS, CITY, STATE, ZIP+4			
Address	City	State	ZIP
307 irwin Valley Rd.	Sparta	NC	28675-0000
HOME ADDRESS, CITY, STATE, ZIP+4			
<input checked="" type="checkbox"/> Same As Mailing Address			
Address	City	State	ZIP
CURRENT EMPLOYER		JOB TITLE	
self employed		owner	
NATURE OF BUSINESS			
cattle farmer			
DAYTIME PHONE NUMBER		ALTERNATE PHONE NUMBER	
336-372-4401		336-466-1616	
E-MAIL ADDRESS			
wbi@skybest.com			

REASON FOR FILING (SELECT ALL THAT APPLY)				
<input type="checkbox"/> STATE GOVERNMENT JOB (Please specify the agency for which you work)		<input checked="" type="checkbox"/> BOARD/COMMISSION (Please list all boards on which you are serving)		
		Community Colleges, State Board of;		
<input type="checkbox"/> JUDICIAL OFFICER (Please specify the office you hold)		<input type="checkbox"/> LEGISLATOR (Please specify the legislative branch - House or Senate)		
Do other immediate family members reside in your household?				
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
FULL NAME	RELATIONSHIP	EMPLOYER	JOB TITLE	NATURE OF BUSINESS
Suzanne M. Irwin	spouse	retired	retired	none

I. \$10,000 PLUS DISCLOSURES			
If you, your spouse, or members of your immediate family have assets or liabilities with a market value of at least \$10,000 in the following categories, please provide the requested information as of December 31 st of the preceding year unless another time period is specified in the question.			
<ul style="list-style-type: none"> Do not list the value of those assets or liabilities. Do not list assets or liabilities held in a blind trust established by or for the benefit of you or an immediate family member. 			
1. Do you, your spouse, or members of your immediate family have an ownership interest in North Carolina real estate with a market value of \$10,000 or more?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Owner of Real Estate	% Ownership Interest	Location by City	Location by County
Wade. B. Irwin	100	Sparta	Alleghany
2. Do you, your spouse, or members of your immediate family lease or rent to or from the State real estate with a market value of \$10,000 or more?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Name of Lessor	Name of Lessee (Renter)	Location by City	Location by County

3. Within the preceding two years, have you, your spouse, or members of your immediate family sold to or bought from the State personal property with a market value of \$10,000 or more?

☐ Yes ☒ No

Name of Purchaser	Name of Seller	Type of Property

4. Do you, your spouse, or members of your immediate family currently lease or rent to or from the State personal property with a market value of \$10,000 or more?

☐ Yes ☒ No

Name of Lessor	Name of Lessee (Renter)	Type of Property

5(a). Do you, your spouse, or members of your immediate family own interests (generally stock) valued at \$10,000 or more in a publicly owned company?

☐ Yes ☒ No

- Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if (i) the fund is publicly traded or its assets are widely diversified and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

Owner of Interest	Full Name of Company (Do not use a ticker symbol)

5(b). Do you, your spouse, or members of your immediate family hold stock options valued at \$10,000 or more in a company or business?

☐ Yes ☒ No

Owner of Stock Option	Full Name of Company (Do not use a ticker symbol)

6(a). Do you, your spouse, or members of your immediate family have financial interests valued at \$10,000 or more in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☐ Yes ☒ No If "No", proceed to question 7.

Owner of Interest	Name of Business Entity

6(b). For each of those non-publicly owned companies or business entities identified in question 6(a) (the "primary company"), please list the names of any other companies in which the primary company owns securities or equity interests valued at over \$10,000, if known.

Non-Publicly Owned Company (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
--	--

☐ None or Not Known

6(c). If you know that any company or business entity listed in 6(a) or (b) above has any material business dealings or business contracts with the State, or is regulated by the State, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
------------------------------------	---

☐ None or Not Known

7. Are you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of \$10,000 or more that is created, established, or controlled *by you*?

☐ Yes ☒ No

► Do not list blind trusts.

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

8. Do you, your spouse, or members of your immediate family have a liability (debt) of \$10,000 or more, excluding indebtedness (mortgage) on your primary personal residence? Examples include credit card debts, auto loans, and student loans.

☐ Yes ☒ No

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)

II. OTHER DISCLOSURES

9(a). During the preceding calendar year, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☒ Yes ☐ No If "No", proceed to question 10.

▶ Do not list State boards or entities, or entities created by a political subdivision of the State.

▶ Do not list organizations of which you are a mere member or subscriber.

Name of Person	His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization
Suzanne M. Irwin	Trustee	Wilkes Community College	governance

9(b). If the listed nonprofit corporations or organizations do business with the State or receive State funds, please provide a brief description of the nature of that business, if known, or with which due diligence could reasonably be known.

Name of Nonprofit Corporation or Organization	Describe State Business or State Funding
<input checked="" type="checkbox"/> None or Not Known	

10. List all sources of income (not specific amounts) of more than \$5,000 received by you, your spouse, or members of your immediate family during the preceding calendar year. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, and business income.

Do not include income received from the following sources:

- ▶ Capital gains
- ▶ Federal government retirement
- ▶ Military retirement
- ▶ Social security income/SSDI

Recipient of Income	Name of Source	Type of Business/Industry	Type of Income
<input type="checkbox"/> I had no reportable income over \$5,000 in the preceding calendar year.			
Wade B. Irwin	cattle sales	cattle	income from cattle sales
Suzanne M. Irwin	NAPCO	box company	rental
Wade B./ Irwin	Twin Oaks General Store	convenience store	rental
Suzanne M. Irwin	NC retirement system	retirement-education	retirement payments

11. Are you a practicing attorney?

☐ Yes ☒ No ☐ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are associated has earned legal fees of \$10,000 or more during the preceding calendar year.

☐ Administrative ☐ Admiralty ☐ Corporate ☐ Criminal
☐ Decedent's Estates ☐ Environmental ☐ Insurance ☐ Labor
☐ Local Government ☐ Real Property ☐ Securities ☐ Tax
☐ Tort litigation (including negligence) ☐ Utilities Regulation ☐ Other category not listed or did not earn legal fees of \$10,000 or more during the preceding calendar year

12. Are you (1) a licensed professional (other than an attorney) or do you provide consulting services individually or as a member of a professional association and (2) did you charge or were you paid over \$10,000 for those services during the preceding calendar year?

☐ Yes ☒ No

Type of Business	Nature of Services Rendered

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

13. Are you or your employer, your spouse or members of your immediate family, or their employer:

- Licensed by the State board or employing entity with which you are or will be associated or
- Regulated by the State board or employing entity with which you are or will be associated or
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☒ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

Name of Person	Name of Employer (if applicable)	Type of Relationship (Licensing, Regulatory, Business)

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

14. During the preceding calendar year, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group which has an interest pertaining to subject matter areas over which your agency or board may have jurisdiction?

☐ Yes ☒ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

► Do not list organizations of which you are only a member (not a leadership role).

Name of Person	Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

15. Have you ever been convicted of a felony for which you have not received either (i) a pardon of innocence or (ii) an order of expungement regarding that conviction?

☐ Yes ☒ No

Offense	Date of Conviction	County of Conviction	State of Conviction

16. During any calendar quarter in the preceding year (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

- receive any gift(s) exceeding \$200 per quarter from a person or group of persons acting together, and
- when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), and
- the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☒ No

► Do not report gifts given by members of your extended family.

► Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

Date Item Received	Name and Address of Donor(s)	Describe Item Received	Estimated Market Value

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

17. During the preceding year (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) have you

- accepted a "scholarship" exceeding \$200 from a person or group of persons acting together and
- those person(s) were outside North Carolina and
- the scholarship was related to your public position? A "scholarship" is a grant-in-aid to attend a conference, meeting, or similar event.

☐ Yes ☒ No ☐ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

- ▶ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."
- ▶ Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

18. Are you or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such within the preceding 12 months?

☐ Yes ☒ No

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

19(a). List the name of each business with which you are associated where you or a member of your immediate family is an employee, director, officer, partner, proprietor, or member or manager.

Name of Person	Relationship to Filer	Name of Company	Role of Person
<input checked="" type="checkbox"/> No Business Associations If "No Business Associations", proceed to question 20.			

19(b). If you know that any company, or business entity listed in 19(a) above has any material business dealings or business contracts with the State, or is regulated by the State, provide a brief description of that business activity.

Name of Company or Business Entity	Description of Business Activity with the State
<input checked="" type="checkbox"/> No relationship / Not known	

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

20. Did a Council of State member appoint you to or recommend you for appointment to a board covered by the Ethics Act? Council of State members are:

- Governor
- Lt. Governor
- Secretary of State
- State Auditor
- State Treasurer
- Superintendent of Public Instruction
- Attorney General
- Commissioner of Agriculture
- Commissioner of Labor
- Commissioner of Insurance

☒ Yes ☐ No

If "Yes", list all contributions you (not immediate family members) made during the preceding calendar year with a cumulative total of more than \$1,000 to the Council of State member who appointed you:

- Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

Date	Amount	Contributed to
<input checked="" type="checkbox"/> No contribution(s) with a cumulative total of more than \$1,000		

Please answer the following question as it pertains to the following board/agency:

Community Colleges, State Board of

21. Are you now, or are you a prospective appointee to:

- a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor;
or
b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge;
or
c. a member of any of the following boards:
- ABC Commission
 - Coastal Resources Commission
 - State Board of Education
 - State Board of Elections
 - Division of Employment Security
 - Environmental Management Commission
 - Industrial Commission
 - State Personnel Commission
 - Rules Review Commission
 - Board of Transportation
 - UNC Board of Governors
 - Utilities Commission
 - Wildlife Resources Commission

☐ Yes ☒ No

If "No", proceed to question 22.

- d. If so, were you appointed to, or are you being considered for, appointment to your public position by a Council of State Member (Governor, Lt. Governor, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, or Commissioner of Insurance)?

☐ Yes ☐ No

If "No", proceed to question 22.

- e. If so, you must indicate whether during the preceding calendar year you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position:

☐ Yes ☐ No

- i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

- ii. Hosted a fundraiser at your residence or place of business?

☐ Yes ☐ No

- iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?

☐ Yes ☐ No

22. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☐ Yes ☒ No

AFFIRMATION

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1.)

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1.)

☒ I Agree. It is my intention that this check box constitutes my electronic signature. By checking this box I certify that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

Wade Bryan Irwin, Jr.

Printed Name

****Notarization is no longer required****

Filed Electronically

Signature

7/17/2013

Date



VITAE

Darrell B. Saunders
1114 Byron Lane
Archdale, North Carolina 27273

Education

Retired 2012 - Present

Doctor of Education, University of Alabama, 1975
Master of Education, University of North Carolina, Chapel Hill, 1964
B.S., Appalachian State Teachers College, 1962
High School Diploma, Candor High School, Candor, NC, 1958

Academic Work Experience

High School Principal, Trinity High School, Trinity, NC, 1982-98
Professor of Health, P.E. & Department Head, Soccer Coach, Pfeiffer College, 1977-81
Associate Professor of Health, P.E., Soccer Coach, Campbell University, 1976-77
Assistant Professor of Health, P.E., Soccer Coach, Erskine College, 1971-76
Assistant Professor of Health, P.E., Soccer Coach, Alderson Broaddus College, 1965-71
Teacher of Health, P.E. Jackson Junior High, Greensboro, NC, 1962-65

Other Activities

Worked as real estate broker 2003 to 2012
President of NAIA Soccer Coaches Association 1977-78
Member of NAIA Soccer games committees 1972-80
Assistant Clerk and Sunday school teacher at Marlboro Friends Meeting
Member of N.C. Board of Community Colleges
Owner/Broker of Docs Realty (real estate agency)
Former Member and President of Lions Club
First soccer coach at Alderson Broaddus College, 1965
First soccer coach at Trinity High School, 1984
First women's softball coach at Erskine College
Captain of the first soccer team at Appalachian State Teachers College, 1961

Honors

Battler Hall of Fame class of 2002, Alderson Broaddus College
Flying Fleet Hall of Fame class of 2009, Erskine College
Randolph County Schools, NC Principal of the year, 1988
Co-Coach of NAIA All Star Team that played in Mexico, 1978
Worked the soccer venue of U.S. Olympics, 1984
Served on NC State Board of Community Colleges 2011 - Present
married to D Rebecca Saunders 54 years
Two children Dee + Dawn





STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

April 3, 2017

The Honorable Chad Barefoot
The Honorable David Curtis
The Honorable Michael Lee
Co-Chairmen, Education/Higher Education Committee
N.C. Senate
300 N. Salisbury Street, Room 544
Raleigh, NC 27603-5925

via email

Re: Statement of Economic Interest for Potential Member of the State Board of Community Colleges

Dear Senators Barefoot, Curtis and Lee:

Our office is in receipt of **Mr. Darrell Saunders's** 2011 Statement of Economic Interest and 2017 No Change Form as a potential member of the State Board of Community Colleges ("the Board"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest or the potential for a conflict of interest.

The State Board of Community Colleges implements Chapter 115D of the General Statutes, which provides for the establishment, organization, and administration of a statewide system of educational institutions in the form of two-year community colleges. Among other things, the Board recommends the establishment of community colleges after determining that an educational need exists within a proposed administrative area; approves the expenditure of any State funds for capital improvements of existing institutions; develops appropriate criteria and standards to regulate the addition and operation of college transfer programs to institutions; and adopts and executes such policies, regulations, and standards concerning the establishment, administration, and operation of institutions as the Board deems necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.



Senators Barefoot, Curtis and Lee

April 3, 2017

Page 2 of 2

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Saunders currently serves on the State Board of Community Colleges.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

If you have any questions about any of the foregoing, please do not hesitate to give me a call.

Sincerely,



Pamela B. Cashwell
Assistant Director

cc: Mr. Darrell Saunders





NORTH CAROLINA STATE ETHICS COMMISSION
2017 STATEMENT OF ECONOMIC INTEREST

NO CHANGE FORM

THIS ENTIRE FORM MUST BE COMPLETED TO
FULFILL YOUR ETHICS FILING OBLIGATION

FOR ETHICS COMMISSION USE ONLY
Date Received:

2017 02 24 PM 2:49

Checked for completion W

Scanned _____ Date _____

Entered in DB 7/24 by W

FILER'S NAME (FIRST, MIDDLE, LAST)				
Prefix	First Name	Middle Name	Last Name	Suffix
	DARRELL	BRITTON	Saunders	RD
REASON FOR FILING (COMPLETE ALL THAT APPLY)				
STATE GOVERNMENT JOB (Specify Agency and Position)		BOARD/COMMISSION (List the complete name of all State boards on which you are serving or are being considered)		
		State Board of Community Colleges		
JUDICIAL OFFICER (Specify Office)		LEGISLATOR (Specify House or Senate)		
AFFIRMATION				
I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.				
I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.				
I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.				
I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:				
§ 138A-26. Concealing or failing to disclose material information.				
A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.				
§ 138A-27. Penalty for false information.				
A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.				
I hereby affirm that I have reviewed my most recently filed 2016 Statement of Economic Interest and that as of December 31, 2016, my responses continue to be true, correct, and complete to the best of my knowledge and belief.				
<input checked="" type="checkbox"/> I Agree				
Signature			Date	
Darrell B. Saunders			Mar 20, 2017	
Printed Name				
Darrell B. Saunders				
Submit SIGNED, ORIGINAL documents only. Do not fax or e-mail this form.				





NORTH CAROLINA STATE ETHICS COMMISSION
2011 STATEMENT OF ECONOMIC INTEREST

919-715-2071

www.ethicscommission.nc.gov

RECEIVED

MAR 07 2011

STATE ETHICS COMMISSION

COMPLETE THIS FORM AND MAIL SIGNED, ORIGINAL TO
STATE ETHICS COMMISSION, 1324 MAIL SERVICE CENTER, RALEIGH, NC 27699-1324

1. STATEMENT TYPE (SELECT ONE)				
<input checked="" type="checkbox"/> NEW Deadline for filing Statement of Economic Interest Newly Appointed/Employed: Generally prior to your appointment/employment <input type="checkbox"/> AMENDED All Others: Generally April 15 of current year				
2. FILER'S NAME (FIRST, MIDDLE, LAST)				
First Name	Middle Name	Last Name	Suffix	
Darrell	Brittian	Saunders		
3. MAILING ADDRESS, CITY, STATE, ZIP+4 ¹				
Address 1	Address 2	City	State	ZIP
1114 Byron Lane		Archdale	N.C.	27263
4. EMPLOYER		5. TITLE OR POSITION SOUGHT		
Self Docs Realty		N.C. State Board of Community Colleges		
6. DAYTIME PHONE NUMBER (10-digit number no spaces, no characters.)		7. ALTERNATE PHONE NUMBER (10-digit number no spaces, no characters.)		
336 4423682		336 8614380		
8. E-MAIL ADDRESS		9. REASON FOR FILING (SELECT ALL THAT APPLY)		
darrell@docsrealty.com		<input type="checkbox"/> STATE GOVERNMENT JOB <input checked="" type="checkbox"/> BOARD/COMMISSION APPOINTMENT		
10. EMPLOYED BY (IF FILING BASED ON EMPLOYMENT)				
DNA				
11. BOARD(S) SERVED - Select up to 11 Boards				
None				

¹With the exception of judicial officers (including Justices or Judges of the General Court of Justice, district attorneys, and clerks of court), persons holding or seeking an elected office with a residency requirement must provide a home address.

²Immediate family includes your spouse (unless legally separated), minor children, and members of your extended family (your and your spouse's adult children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) that reside in your household.

³Filers may use the initials of unemancipated children instead of those children's names. If initials are used, the children's names should be provided on a (non-public) supplement form available from the Commission upon request.

12. **HOUSEHOLD MEMBERS:** Please provide the following information concerning your spouse and other members of your immediate family **RESIDING IN YOUR HOUSEHOLD.**² If the information requested does not apply, please indicate "none."

☐ No other household members:

Full Name ³	Relationship	Occupation/Employer	Nature of Business
Doris Rebecca Saunders	wife	Self employed Seamstress	Window treatments

I. \$10,000 PLUS DISCLOSURES

If you, your spouse, or other members of your immediate family have assets or liabilities with a market value of at least \$10,000 in the following categories, please provide the requested information as of 12/31/10 unless another time period is specified in the question.

▶ Do not list the value of those assets or liabilities.

▶ Do not list assets or liabilities held in a blind trust⁴ established by or for the benefit of you or an immediate family member.

1. **NORTH CAROLINA REAL ESTATE OWNED:** Do you, your spouse, or members of your immediate family have an ownership interest in North Carolina real estate with a market value of \$10,000 or more?

☒ Yes ☐ No If "Yes", please list below.

Owner of Real Estate	% Ownership Interest	Location by County and City
Self + Spouse	100% home	Randolph, Archdale NC

2. **NORTH CAROLINA REAL ESTATE RENTED:** Do you, your spouse, or members of your immediate family rent North Carolina real estate with a market value of \$10,000 or more to or from the State?

☐ Yes ☒ No If "Yes", please list below and identify the State agency involved in the property lease.

Identity of Lessor	Identity of Lessee (Renter)	Location by County and City
None		

⁴ A "blind trust" is a trust that meets all of the following criteria: (a) the owner of the trust's assets is unaware of the trust's holdings and sources of income, (b) the individual or entity managing the trust's assets ("the trustee") is not a member of the covered person's extended family and is not associated with or employed by the covered person or his or her immediate family, and (c) the trustee has sole discretion to manage the trust's assets. G.S. 138A-3(1).

3. PERSONAL PROPERTY OWNED: Within the preceding two years, have you, your spouse, or members of your immediate family sold or bought personal property with a market value of \$10,000 or more to or from the State?

☐ Yes ☒ No If "Yes", please list below and identify the State agency involved in the purchase or sale.

Identity of Purchaser	Identity of Seller	Nature and Location of Property

4. PERSONAL PROPERTY RENTED: Do you, your spouse, or members of your immediate family rent personal property with a market value of \$10,000 or more to or from the State?

☐ Yes ☒ No If "Yes", please list below and identify the State agency involved in the property lease.

Identity of Lessor	Identity of Lessee (Renter)	Nature and Location of Property

5(a). PUBLIC COMPANIES: Do you, your spouse, or members of your immediate family own interests (generally stock) in a publicly owned company valued at \$10,000 or more?

☐ Yes ☒ No If "Yes", please list below.

► Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if (i) the fund is publicly traded or its assets are widely diversified and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

► You may use three-letter ticker symbol to identify stocks.

Owner of Interest	Name of Company

5(b). OPTIONS: Do you, your spouse, or members of your immediate family hold stock options in a publicly owned company valued at \$10,000 or more?

☐ Yes ☒ No If "Yes", please list below.

Owner of Stock Option	Name of Company

6(a). **NON-PUBLIC COMPANIES:** Do you, your spouse, or members of your immediate family have financial interests valued at \$10,000 or more in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☒ Yes ☐ No If "Yes", please list below and complete 6(b) and 6(c).

Owner of Interest	Name of Business Entity
Self + Spouse	"Saunders Access" Beach Prop for rent

6(b). For each of those non-publicly owned companies or business entities identified in question 6(a) (the "primary company"), please list the names of any other companies in which the primary company owns securities or equity interests valued at over \$10,000, if known.

Non-Publicly Owned Company (the Primary Company)	Other Companies in which the Primary Company Owns Security or Equity Interests
<input checked="" type="checkbox"/> None or Not Known	

6(c). If you know that any company or business entity listed in 6(a) or (b) above has any material business dealings or business contracts with the State, or is regulated by the State, provide a brief description of that business activity or relationship.

Identify Company or Business Entity	Nature of Business Relationship with the State
<input checked="" type="checkbox"/> None or Not Known	

7. **TRUSTS:** Are you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of \$10,000 or more that is created, established, or controlled by you?

☐ Yes ☒ No If "Yes", please list below.

► **Do not list blind trusts.** A "blind trust" is a trust that meets all of the following criteria: (a) the owner of the trust's assets is unaware of the trust's holdings and sources of income, (b) the individual or entity managing the trust's assets ("the trustee") is not a member of the covered person's extended family and is not associated with or employed by the covered person or his or her immediate family, and (c) the trustee has sole discretion to manage the trust's assets. G.S. 138A-3(1).

Name and Address of Trustee	Description of the Trust	Your Relationship to the Trust

8. **LIABILITIES:** Do you, your spouse, or members of your immediate family have a liability (debt) of \$10,000 or more, excluding indebtedness (mortgage) on your primary personal residence?

☐ Yes ☒ No If "Yes", please list below. Examples include credit card debts, auto loans, and student loans.

Name of Debtor (You, Spouse, Immediate Family Member)	Type of Creditor (Commercial Bank, Credit Union, Individual, etc.)

II. OTHER DISCLOSURES

9. **NONPROFIT INTERESTS:** At any time during 2010, were you, your spouse or other members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☐ Yes ☒ No If "Yes", provide the following information.

- ▶ Do not list State boards or entities, or entities created by a political subdivision of the State.
- ▶ Do not list organizations of which you are a mere member or subscriber.
- ▶ If the listed nonprofit corporations or organizations do business with the State or receive State funds, please provide a brief description of the nature of that business, if known, or which with due diligence could reasonably be known.

Identify Person and His/Her Position	Name of Nonprofit Corporation or Organization	Nature of Business or Purpose of Organization	Describe State Business or State Funding

10. **INCOME:** List all sources of income (not amounts) of more than \$5,000 received by you, your spouse, or other members of your immediate family during 2010. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, and business income. Do not include income received from the following sources:

▶ Capital Gains
▶ Military retirement

▶ Federal government retirement
▶ Social security income/SSDI

Recipient of Income	Name of Source	Business or Industry	Type of Income
<input type="checkbox"/> I had no reportable income over \$5,000 in 2010.			
Self	College Retirement TIAA-CREF	Annuity	Retirement
Self	State Retirement	School Admin.	Retirement
Wife	State Retirement	Teacher	Retirement

11. **PRACTICING ATTORNEY:** If you are a practicing attorney check each category of legal representation in which you or the law firm with which you are associated has earned legal fees of \$10,000 or more during 2010:

☐ I am not a practicing attorney.

☐ Administrative

☐ Admiralty

☐ Corporate

☐ Criminal

☐ Decedent's Estates

☐ Environmental

☐ Insurance

☐ Labor

☐ Local Government

☐ Real Property

☐ Securities

☐ Tax

☐ Tort litigation (including negligence)

☐ Utilities Regulation

12. **LICENSED PROFESSIONAL:** Are you (1) a licensed professional (other than an attorney) or do you provide consulting services individually or as a member of a professional association and (2) did you charge or were you paid over \$10,000 for those services during 2010?

☐ Yes ☒ No If yes, please provide the following information.

Type of Business	Nature of Services Rendered

13. **BUSINESS RELATIONSHIPS:** As of December 31, 2010, were you or your employer, or your spouse or other members of your immediate family, or their employer, licensed or regulated by, or have a business relationship with, your State board or employing entity?

☐ Yes ☒ No ☐ Legislator / Judicial Officer. If "Yes", provide the following information.

▶ You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in footnote 1) or you are filing as an appointee to those offices. Please indicate if this is the case.

Identify Person	Identify Employer (if applicable)	Licensing, Business or Regulatory Relationship

14. INTEREST IN AGENCY OR BOARD ISSUES: As of December 31, 2010, were you, your spouse, or other members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group which has an interest in issues over which your agency or board may have jurisdiction?

☐ Yes ☒ No ☐ Legislator / Judicial Officer. If "Yes", provide the following information.

► You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices. Please indicate if this is the case.

► Do not list organizations of which you are only a member (not in a leadership role).

Identify Person	Identify Name of Society, Organization or Advocacy Group	Leadership Position (Director, Officer, Board Member)

15. FELONY CONVICTION: Have you ever been convicted of a felony for which you have not received either (i) a pardon of innocence or (ii) an order of expungement regarding that conviction?

☐ Yes ☒ No If "Yes", please provide the following information.

Offense	Date of Conviction	County and State of Conviction

16. RECEIPT OF GIFTS OUTSIDE OF NORTH CAROLINA: During any calendar quarter in the preceding year (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you (1) receive any gift(s) exceeding \$200 per quarter from a person or group of persons acting together, and (2) when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), and (3) the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☒ No If yes, please provide the following information.

► Do not report gifts given by members of your extended family.

► Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted or Persons Not Covered."

Date Item Received	Name and Address of Donor(s)	Describe Items Received	Estimated Market Value

17. **ACCEPTANCE OF SCHOLARSHIP:** During the preceding year (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) have you (1) accepted a "scholarship" exceeding \$200 from a person or group of persons acting together and (2) those person(s) were outside North Carolina and (3) the scholarship was related to your public position? A "scholarship" is a grant-in-aid to attend a conference, meeting, or similar event.

☐ Yes ☒ No ☐ I am a Legislator / Judicial officer. If yes, please provide the following information.

- ▶ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted or Persons Not Covered."
- ▶ You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee. Please indicate if this is the case.
- ▶ Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

Date of Scholarship	Name and Address of Donor(s)	Describe Event	Estimated Market Value

18. **LOBBYIST:** Are you or a member of your immediate family currently registered as a lobbyist or lobbyist principal or were you registered as such during 2010?

☐ Yes ☒ No If "Yes", please provide the following information.

Name of Lobbyist	Lobbyist's Principal	Date of Registration	Registration Expiration

19(a). **BUSINESS ASSOCIATIONS:** List the name of each business with which you are associated (sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations, publicly-held or privately-held) where you or a member of your immediate family is an employee, director, officer, partner, proprietor, or member or manager.

☐ No Business Associations

Identify Person	Relationship to Filer	Company	Role of Person
Darrell B. Saunders Properties LLC	Self	Real Estate	Owner/Broker
D. Rebecca Saunders	wife	Rebecca Originals Interiors	Owner

19(b). **COMPANY OR BUSINESS DEALINGS WITH STATE:** If you know that any company or business entity listed in 19(a) above has any material business dealings or business contracts with the State, or is regulated by the State, provide a brief description of that business activity or relationship.

Identify Company or Business Entity	Nature of Business Relationship with the State
<input checked="" type="checkbox"/> Not applicable (No entities listed on #19a) <input type="checkbox"/> No relationship / Not known	

20(a). **APPOINTMENT TO BOARDS COVERED BY STATE GOVERNMENT ETHICS ACT, CHAPTER 138A OF THE GENERAL STATUTES:** Did a Council of State member appoint you to or recommend you for appointment to a board covered by the Ethics Act? The Council of State members are: Governor, Lt. Governor, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, or Commissioner of Insurance.

☐ Yes ☒ No If "Yes", proceed to question 20(b). If "No", proceed to question 21.

20(b). **CAMPAIGN CONTRIBUTIONS:** In the preceding calendar year did you (not immediate family members) make contributions with a cumulative total of more than \$1,000 to the Council of State member (see list above) who appointed you? Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

☐ Yes ☒ No If "Yes", list all such contributions. If "No", proceed to question 21.

Date	Amount	Contributed to

21. **CAMPAIGN ACTIVITIES:** Are you now, or are you a prospect to be:

a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or

b. a North Carolina Supreme Court Justice; Court of Appeals, Superior or District Court Judge; or

c. a member of any of the following boards:

- ABC Commission
- Coastal Resources Commission
- State Board of Education
- State Board of Elections
- Employment Security Commission
- Environmental Management Commission
- Industrial Commission
- State Personnel Commission
- Rules Review Commission
- Board of Transportation
- UNC Board of Governors
- Utilities Commission
- Wildlife Resources Commission

☐ Yes ☒ No

If "No", proceed to question 22.

d. If so, were you appointed to, or are you being considered for, appointment to your public position by a Council of State Member (Governor, Lt. Governor, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, or Commissioner of Insurance)?

☐ Yes ☐ No

If "No", proceed to question 22.

e. If so, you must indicate whether during the preceding calendar year you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position:

i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

☐ Yes ☐ No

ii. Hosted a fundraiser at your residence or place of business?

☐ Yes ☐ No

iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate?

☐ Yes ☐ No

22. **OTHER INFORMATION:** Are you aware of any other information that you believe may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☐ Yes ☒ No If "Yes", please provide that information.

22. OTHER INFORMATION - (Continued)

None

Please ensure that you have responded to all questions and that you have stated "None" in response to those questions in which you have nothing to disclose. In the event you fail to answer a question, you will be provided with a supplement to complete, sign and return. Your SEI is not deemed "filed" until complete answers are submitted for every question.

**** North Carolina law establishes a fine of \$250 for failure to timely file a complete Statement of Economic Interest. In addition, it is a Class 1 misdemeanor to knowingly conceal or fail to disclose required information, and a Class H felony to provide false information on a Statement. Such actions can also subject you to disciplinary action in connection with your employment.****

AFFIRMATION

I swear or affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

§ 138A-26. Concealing or failing to disclose material information.

A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1.)

§ 138A-27. Penalty for false information.

A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45. (2006-201, s. 1.)

☒ I Agree

DARRELL B SAUNDERS

PRINTED NAME

**** Notarization is no longer required. ****

Darrell B Saunders

SIGNATURE

March 3, 2011

DATE

Submit SIGNED, ORIGINAL documents.



Senate Pages Attending

COMMITTEE: Education / Higher Ed. ROOM: 544 LOB

DATE: 4-4 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

Page Name	Hometown	Sponsoring Senator
①. Brianna Baysek	Rockingham	Tom McCannis
②. Kimberly Sconiers	Fuquay Varina	Blue
③. Zachary Smith	Bailey	Horner
④. Caroline Harris	Fountain	Pate
⑤. Madison Sonzogni	Emerald Isle	Sanderson
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





Senate Committee

On

Education/Higher Learning

April 4, 2017

Room 544, LOB

12:00 PM

Senate Sergeant at Arms:

John Enloe

Giles Jefferys

Terry Edmondson



VISITOR REGISTRATION SHEET

Senate Comm. on Appro. on Education/Higher Education 4-4-17
 Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Josit Grew	SJA
Robb Jansen	NCSBE
LAURA PURYEAR	MWC
Wingate Smith	NC Public School Teacher
TIFOM GOULSPY	Govt Government Relations
Ashley Perkins	Perkins Law
Facel Blain	RBlain
JULIE KOWAL	BEST NC
W. Gordon Capper	PPAB
Gene Royal	NCFRC
Maghan Lewis	NC chamber



VISITOR REGISTRATION SHEET

Senate Comm on Appropriations or Education /

4-4-17

Name of Committee

Higher Education

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Adam Pridemore	NCA317
Bryan W. Hollaway	Hollaway Group Inc.
Matt Ellinwood	NC Justice Center
Tom West	NCICU
M.A. Danowitz	NC STATE
Sarah Stone	NCSU
Michael Maher	NC STATE
Drew Moretz	UNC GA
Jim Ayers	Ed Consultant
Hope Wilkerson	NCAOU
Steve Brooks	NCICU



VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Mary Murphy

NCCCS

Chloe Grosje

Ohio State Sup.

Mark Johnson

Bruce Alderfer

NCS RA



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

David Cooper	BEST-NC
Mike Leighs	NCPC
Susan Harrison	NCDTSEA
Courtney Crowder	Crowder Consulting
David Farrell	UB
Amanda J. [unclear]	HDA
Jack Maynard	SPM Assoc.





Senate Committee on Education/Higher Education
Wednesday, April 5, 2017 at 12:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on April 5, 2017 in Room 544 of the Legislative Office Building. 16 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting by recognizing the Senate Sergeant at Arms and Senate Pages.

SB 252: North Carolina Teaching Fellows. (Senators Barefoot, Lee, Ballard)

Members of the committee were given the opportunity to ask questions and comment on the proposed committee substitute. Senator Tillman motioned for a favorable report to the PCS and an unfavorable report to the original bill. The motion was approved.

SB 78: Cost to Comply/Fed Ed Funds/PED Study. (Senator Daniel)

Senator Daniel presented Senate Bill 78.

Members of the committee were given the opportunity to ask questions of the bill sponsor and make comments. Senator Pate made a motion for a favorable report. The motion was approved.

SB 315: Implement UNC Undergrad Completion Plan. (Senators Barefoot, Curtis, Tarte)

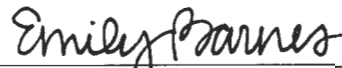
Senator Barefoot presented Senate Bill 315.

Members of the committee were given the opportunity to ask questions of the bill sponsor and make comments. Senator Curtis made a motion for a favorable report. The motion was approved.

The meeting adjourned at 12:15 PM.



Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk



Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	April 5, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 252	North Carolina Teaching Fellows.	Senator Barefoot Senator Lee Senator Ballard Senator Daniel
SB 78	Cost to Comply/Fed Ed Funds/PED Study.	
SB 315	Implement UNC Undergrad Completion Plan.	Senator Barefoot Senator Curtis Senator Tarte

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Wednesday, April 5, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 252	North Carolina Teaching Fellows.	Senator Barefoot Senator Lee Senator Ballard Senator Daniel
SB 78	Cost to Comply/Fed Ed Funds/PED Study.	
SB 315	Implement UNC Undergrad Completion Plan.	Senator Barefoot Senator Curtis Senator Tarte

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, April 05, 2017

Senator Lee,

submits the following with recommendations as to passage:

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

SB 252

North Carolina Teaching Fellows.

Draft Number: S252-PCS35290-RQ-3

Sequential Referral: Appropriations/Base Budget

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle SB 252



* C M R 1 6 8 - V - 1 *

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, April 05, 2017

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

FAVORABLE

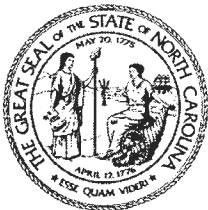
SB 78	Cost to Comply/Fed Ed Funds/PED Study.
	Draft Number: None
	Sequential Referral: Rules and Operations of the Senate
	Recommended Referral: None
	Long Title Amended: No
SB 315	Implement UNC Undergrad Completion Plan.
	Draft Number: None
	Sequential Referral: Rules and Operations of the Senate
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 2

Senator Warren Daniel will handle SB 78
Senator Chad Barefoot will handle SB 315



★ C M R 1 5 4 - V - 1 ★



SENATE BILL 78: Cost to Comply/Fed Ed Funds/PED Study.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 5, 2017
Introduced by:	Sen. Daniel	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *Senate Bill 78 would study the financial costs to the State and local school administrative units of compliance with federal mandates related to the receipt of federal education funding.*

BILL ANALYSIS: SB 78 requires the Department of Public Instruction to study, report, and provide any supporting data to the Fiscal Research Division and the Program Evaluation Division (PED) of the General Assembly on the cost of compliance with federal education funding mandates to local school administrative units.

Additionally, SB 78 directs the Joint Legislative Program Evaluation Committee to consider including in the 2017-2018 Work Plan for PED an evaluation of the cost of compliance with federal education funding mandates for K-12 education. If included in the Work Plan, PED will report its findings and recommendations to the General Assembly at a date to be determined by the Committee.

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

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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1

SENATE BILL 78

Short Title: Cost to Comply/Fed Ed Funds/PED Study. (Public)

Sponsors: Senators Daniel (Primary Sponsor); Brock, Cook, Krawiec, Pate, and Rabin.

Referred to: Rules and Operations of the Senate

February 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO STUDY THE FINANCIAL COSTS TO THE STATE AND LOCAL SCHOOL
3 ADMINISTRATIVE UNITS OF COMPLIANCE WITH FEDERAL MANDATES
4 RELATED TO THE RECEIPT OF FEDERAL EDUCATION FUNDING.

5 The General Assembly of North Carolina enacts:

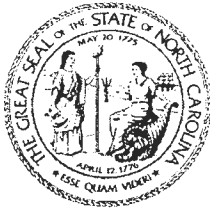
6 **SECTION 1.** By no later than January 15, 2018, the Department of Public Instruction
7 shall study, report, and provide any supporting data to the Fiscal Research Division and the
8 Program Evaluation Division of the General Assembly on the cost of compliance with federal
9 education funding mandates to local school administrative units.

10 **SECTION 2.** The Joint Legislative Program Evaluation Oversight Committee shall
11 consider including in the 2017-2018 Work Plan for the Program Evaluation Division an evaluation
12 of the cost of compliance with federal education funding mandates for K-12 education and, if
13 included in the Work Plan, report its findings and recommendations to the General Assembly at a
14 date to be determined by the Committee.

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







SENATE BILL 315: Implement UNC Undergrad Completion Plan.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 5, 2017
Introduced by:	Sens. Barefoot, Curtis, Tarte	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		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.*

BILL ANALYSIS: Senate Bill 315 directs the President of The University of North Carolina to implement The University of North Carolina Undergraduate Degree Completion Improvement Plan that was submitted to the General Assembly in December, 2016. The bill directs the Plan to be implemented beginning with the 2017-2018 academic year.

A copy of the report can be found at:

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

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

BACKGROUND: In 2015, the General Assembly directed the Board of Governors of The University of North Carolina and the State Board of Community Colleges 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 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 of The University of North Carolina, in consultation with the Board of Governors, 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.

Aren Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 315

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

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

Referred to: Rules and Operations of the Senate

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.







SENATE BILL 252: North Carolina Teaching Fellows.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 4, 2017
Introduced by:	Sens. Barefoot, Lee, Ballard	Prepared by:	Kara McCraw and Drupti Chauhan
Analysis of:	PCS to First Edition S252-CSRQ-3		Committee Counsel

OVERVIEW: *Senate Bill 252 would re-establish the North Carolina Teaching Fellows Program (Program) to provide forgivable loans to students preparing to be licensed teachers in science, technology, engineering, math (STEM), or special education.*

The Proposed Committee Substitute (PCS) makes the following changes to the bill including:

- *Clarifying that the North Carolina Teaching Fellows Fund that is created is a Trust Fund.*
- *Stating that the Director of the North Carolina Teaching Fellows Commission (Commission) reports to the President of The University of North Carolina.*
- *Directing the State Education Assistance Authority to use up \$600,000 each fiscal year for administrative costs, the Director's salary, expenses of the Commission, and to provide the Commission with funds to use for the Program's extracurricular enhancement activities.*
- *Providing that interest of the forgivable loan begin accruing on September 1 after the completion of the program leading to teacher licensure rather than 90 days after the completion of the program.*
- *Allowing recipients who decide to repay the forgivable loans 10 years to repay rather than 8 years (this option is in lieu of teaching).*
- *Providing that repayment of the forgivable loan would begin on September 1 after the completion of the program leading to teacher licensure rather than 27 months after the completion of the program.*
- *Changing the purpose of the funds in the North Carolina Education Endowment Fund to provide that the monies in the North Carolina Education Endowment Fund are to be used to fund the Program and removes a \$6,000,000 appropriation from the General Fund.*

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: Section 1 of the PCS for House Bill 339 would re-establish the North Carolina Teaching Fellows Program (Program) and the North Carolina Teaching Fellows Commission (Commission)

Karen Cochrane-Brown
Director



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Division
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Senate PCS 252

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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 who would report to the President of The University of North Carolina. 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
- 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 10 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

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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.
- 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: 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.

Section 2 of the PCS would require that the monies in the North Carolina Education Endowment Fund shall only be appropriated for the forgivable loans for the Program and the administration of the program.

Section 3 of the PCS makes a conforming change regarding the administration of the outstanding forgivable loans awarded by the former North Carolina Teaching Fellows Commission.

EFFECTIVE DATE: The bill would become effective July 1, 2017. The Program, Commission, Trust Fund, and changes to the North Carolina Education Endowment Fund become effective only if funds are appropriated in an Appropriations Act for the 2017-2018 fiscal year.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 252
PROPOSED COMMITTEE SUBSTITUTE S252-CSRQ-3 [v.6]

04/03/2017 06:24:11 PM

Short Title: North Carolina Teaching Fellows.

(Public)

Sponsors:

Referred to:

March 15, 2017

A BILL TO BE ENTITLED
AN ACT TO REESTABLISH THE NORTH CAROLINA TEACHING FELLOWS
PROGRAM.

The General Assembly of North Carolina enacts:

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

"Part 3. North Carolina Teaching Fellows Program.

"§ 116-209.60. Definitions.

The following definitions apply in this Part:

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

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

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

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

- (1) The Board of Governors of The University of North Carolina shall appoint seven members to the Commission as follows:
 - a. Two deans of approved schools of education at postsecondary constituent institutions of The University of North Carolina.
 - b. The president of a North Carolina community college.
 - c. A teacher who graduated from an approved educator preparation program located in the State within three years of appointment to serve 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
8 postsecondary institution operating in the State upon the
9 recommendation of the Speaker of the House of Representatives.
10 b. One dean of an approved school of education at a private
11 postsecondary institution operating in the State upon the
12 recommendation of the 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
22 the Board of the State Education Assistance Authority and Director of the North Carolina
23 Teaching Fellows Program, who have otherwise completed their term of service, shall continue
24 to serve on the Commission until July 1, annually.
25 (d) Vacancies. – Except as otherwise provided, if a vacancy occurs in the membership
26 of 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
30 membership of the Commission to serve one-year terms. The Commission shall meet regularly
31 at times and places deemed necessary by the chair or, in the absence of the chair, by the
32 vice-chair.
33 (f) Conflict of Interest. – A member of the Commission shall abstain from voting on
34 the selection of an educator preparation program of a postsecondary constituent institution of
35 The University of North Carolina or a private postsecondary institution operating in the State
36 under G.S. 116-209.62(f) if the member is an officer or employee of the institution or sits as a
37 member of the institution's board of directors.
38 (g) Expenses. – Commission members shall receive per diem, subsistence, and travel
39 allowances in accordance with G.S. 138-5 or G.S. 138-6, as appropriate.
40 **§ 116-209.62. North Carolina Teaching Fellows Program established; administration.**
41 (a) Program. – There is established the North Carolina Teaching Fellows Program to be
42 administered by the General Administration of The University of North Carolina, in
43 conjunction with the Authority and the Commission. The purpose of the Program is to recruit,
44 prepare, and support students residing in or attending institutions of higher education located in
45 North Carolina for preparation as highly effective STEM or special education teachers in the
46 State's public schools. The Program shall be used to provide a forgivable loan to individuals
47 interested in preparing to teach in the public schools of the State in STEM or special education
48 licensure areas.
49 (b) Trust Fund. – There is established the North Carolina Teaching Fellows Program
50 Trust Fund to be administered by the Authority, in conjunction with the General Administration
51 of The University of North Carolina. All funds (i) appropriated to, or otherwise received by, the

1 Program for forgivable loans; (ii) all funds received as repayment of forgivable loans; and (iii)
2 all interest earned on these funds shall be placed in the Trust Fund. The purpose of the Trust
3 Fund is to provide financial assistance to qualified students for completion of teacher education
4 and licensure programs to fill STEM or special education licensure areas in the public schools
5 of the State.

6 (c) Uses of Monies in the Trust Fund. – The monies in the Trust Fund may be used only
7 for forgivable loans granted under the Program, administrative costs associated with the
8 Program, including recruitment and recovery of funds advanced under the Program, and
9 extracurricular enhancement activities of the Program. The Authority may use up to six
10 hundred thousand dollars (\$600,000) from the Trust Fund in each fiscal year for its
11 administrative costs, the salary of the Director of the Program, expenses of the Commission,
12 and provide the Commission with funds to use for the extracurricular enhancement activities of
13 the Program.

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

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

- 28 (1) Grade point averages.
- 29 (2) Performance on relevant career and college readiness assessments.
- 30 (3) Experience, accomplishments, and other criteria demonstrating qualities
31 positively correlated with highly effective teachers, including excellent
32 verbal and communication skills.
- 33 (4) Demonstrated commitment to serve in a STEM or special education
34 licensure area in North Carolina public schools.

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

- 41 (1) Demonstrates high rates of educator effectiveness on value-added models
42 and teacher evaluations, including using performance-based, subject-specific
43 assessment and support systems, such as edTPA or other metrics of
44 evaluating candidate effectiveness that have predictive validity.
- 45 (2) Demonstrates measurable impact of prior graduates on student learning,
46 including impact of graduates teaching in STEM or special education
47 licensure areas.
- 48 (3) Demonstrates high rates of graduates passing exams required for teacher
49 licensure.

- 1 (4) Provides curricular and co-curricular enhancements in leadership, facilitates
2 learning for diverse learners, and promotes community engagement,
3 classroom management, and reflection and assessment.
4 (5) Requires at least a minor concentration of study in the subject area that the
5 candidate may teach.
6 (6) Provides early and frequent internship or practical experiences, including the
7 opportunity for participants to perform practicums in diverse school
8 environments.
9 (7) Is approved by the State Board of Education as an educator preparation
10 program.
11 (g) Awards of Forgivable Loans. – The Program shall provide forgivable loans to
12 selected students to be used at the five selected institutions for completion of a program leading
13 to teacher licensure as follows:
14 (1) North Carolina high school seniors. – Forgivable loans of up to eight
15 thousand two hundred fifty dollars (\$8,250) per year for up to four years.
16 (2) Students applying for transfer to a selected educator preparation program at
17 an institution of higher education. – Forgivable loans of up to eight thousand
18 two hundred fifty dollars (\$8,250) per year for up to three years.
19 (3) Individuals currently holding a bachelor's degree seeking preparation for
20 teacher licensure. – Forgivable loans of up to eight thousand two hundred
21 fifty dollars (\$8,250) per year for up to two years.
22 (4) Students matriculating at institutions of higher education who are changing
23 to enrollment in a selected educator preparation program. – Forgivable loans
24 of up to eight thousand two hundred fifty dollars (\$8,250) per year for up to
25 two years.
26 Forgivable loans may be used for tuition, fees, and the cost of books.
27 (h) Identification of STEM and Special Education Licensure Areas. – The
28 Superintendent of Public Instruction shall identify and provide to the Commission and the
29 Authority a list of STEM and special education licensure areas and shall annually provide to
30 the Commission the number of available positions in each licensure area relative to the number
31 of current and anticipated teachers in that area of licensure. The Commission shall make the list
32 of STEM and special education licensure areas readily available to applicants.
33 (i) Administration of Forgivable Loan Awards. – Upon the naming of recipients of the
34 forgivable loans by the Commission, the Commission shall transfer to the Authority its
35 decisions. The Authority, in coordination with the Director, shall perform all of the
36 administrative functions necessary to implement this Part, which functions shall include rule
37 making, dissemination of information, liaison with participating institutions of higher
38 education, implementing forgivable loan agreements, loan monitoring, loan cancelling through
39 service and collection, determination of the acceptability of service repayment agreements,
40 enforcing the agreements, and all other functions necessary for the execution, payment, and
41 enforcement of promissory notes required under this Part.
42 (j) Annual Report. – The Commission, in coordination with the Authority, shall report
43 no later than January 1, 2019, and annually thereafter, to the Joint Legislative Education
44 Oversight Committee regarding the following:
45 (1) Forgivable loans awarded from the Trust Fund, including the following:
46 a. Demographic information regarding recipients.
47 b. Number of recipients by institution of higher education and program.
48 c. Information on number of recipients by anticipated STEM and
49 special education licensure area.
50 (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 elected to do 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 as provided annually by the State Board of Education to the Commission 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 on the first day of September after the 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 10 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 the first day of September 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.

1 **SECTION 1.(c)** The Commission shall establish initial selection criteria for
2 recipients and select the five institutions of higher education with approved educator
3 preparation programs at which a recipient may use a forgivable loan no later than November
4 15, 2017, and shall make available applications to prospective students no later than December
5 31, 2017.

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

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

11 **SECTION 2.** G.S. 115C-472.16(b) reads as rewritten:

12 "(b) The General Assembly shall only appropriate moneys in the North Carolina
13 Education Endowment Fund for ~~teacher compensation that is related directly to improving~~
14 ~~student academic outcomes in the public schools of the State, the forgivable loans for the North~~
15 Carolina Teaching Fellows Program and administration of the North Carolina Teaching
16 Fellows Program under Part 3 of Article 23 of Chapter 116 of the General Statutes."

17 **SECTION 3.** G.S. 116-209.27(a) reads as rewritten:

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

22 **SECTION 4.** This act is effective July 1, 2017. Sections 1 and 2 of this act
23 become effective only if funds are appropriated in a Current Operations Appropriations Act for
24 the 2017-2018 fiscal year to implement the provisions of Sections 1 and 2 of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 252*

Short Title: North Carolina Teaching Fellows. (Public)

Sponsors: Senators Barefoot, Lee, Ballard (Primary Sponsors); Alexander, Britt, Chaudhuri, Clark, Curtis, Daniel, Edwards, Foushee, Horner, J. Jackson, Krawiec, Lowe, McInnis, Newton, Pate, Robinson, Sanderson, Smith-Ingram, Van Duyn, and Waddell.

Referred to: Rules and Operations of the Senate

March 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REESTABLISH THE NORTH CAROLINA TEACHING FELLOWS
3 PROGRAM.

4 The General Assembly of North Carolina enacts:

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

7 "Part 3. North Carolina Teaching Fellows Program.

8 **"§ 116-209.60. Definitions.**

9 The following definitions apply in this Part:

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

20 **"§ 116-209.61. North Carolina Teaching Fellows Commission established; membership.**

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

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

- 29 (1) The Board of Governors of The University of North Carolina shall appoint
30 seven members to the Commission as follows:
31 a. Two deans of approved schools of education at postsecondary
32 constituent institutions of The University of North Carolina.
33 b. The president of a North Carolina community college.



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

(b) Fund. – There is established the North Carolina Teaching Fellows Program Fund to be administered by the Authority, in conjunction with the General Administration of The University of North Carolina. All funds (i) appropriated to, or otherwise received by, the Program for forgivable loans; (ii) all funds received as repayment of forgivable loans; and (iii) all interest earned on these funds shall be placed in the Fund. The purpose of the 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.

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

(d) Director of the Program. – The Board of Governors of The University of North Carolina shall appoint a Director of the Program. The Director shall appoint staff to the Commission and shall be responsible for recruitment and coordination of the Program, including proactive, aggressive, and strategic recruitment of potential recipients. Recruitment activities shall 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 licensure areas to the Program. The Authority shall provide office space and clerical support staff, as necessary, to the Director for the Program.

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

- (1) Grade point averages.
- (2) Performance on relevant career and college readiness assessments.
- (3) Experience, accomplishments, and other criteria demonstrating qualities positively correlated with highly effective teachers, including excellent verbal and communication skills.
- (4) Demonstrated commitment to serve in a STEM or special education licensure area in North Carolina public schools.

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

- (1) Demonstrates 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.
- (2) Demonstrates measurable impact of prior graduates on student learning, including impact of graduates teaching in STEM or special education licensure areas.
- (3) Demonstrates high rates of graduates passing exams required for teacher licensure.

- 1 (4) Provides curricular and co-curricular enhancements in leadership, facilitates
2 learning for diverse learners, and promotes community engagement,
3 classroom management, and reflection and assessment.
4 (5) Requires at least a minor concentration of study in the subject area that the
5 candidate may teach.
6 (6) Provides early and frequent internship or practical experiences, including the
7 opportunity for participants to perform practicums in diverse school
8 environments.
9 (7) Is approved by the State Board of Education as an educator preparation
10 program.
11 (g) Awards of Forgivable Loans. – The Program shall provide forgivable loans to
12 selected students to be used at the five selected institutions for completion of a program leading
13 to teacher licensure as follows:
14 (1) North Carolina high school seniors. – Forgivable loans of up to eight
15 thousand two hundred fifty dollars (\$8,250) per year for up to four years.
16 (2) Students applying for transfer to a selected educator preparation program at
17 an institution of higher education. – Forgivable loans of up to eight thousand
18 two hundred fifty dollars (\$8,250) per year for up to three years.
19 (3) Individuals currently holding a bachelor's degree seeking preparation for
20 teacher licensure. – Forgivable loans of up to eight thousand two hundred
21 fifty dollars (\$8,250) per year for up to two years.
22 (4) Students matriculating at institutions of higher education who are changing
23 to enrollment in a selected educator preparation program. – Forgivable loans
24 of up to eight thousand two hundred fifty dollars (\$8,250) per year for up to
25 two years.
26 Forgivable loans may be used for tuition, fees, and the cost of books.
27 (h) Identification of STEM and Special Education Licensure Areas. – The
28 Superintendent of Public Instruction shall identify and provide to the Commission and the
29 Authority a list of STEM and special education licensure areas and shall annually provide to
30 the Commission the number of available positions in each licensure area relative to the number
31 of current and anticipated teachers in that area of licensure. The Commission shall make the list
32 of STEM and special education licensure areas readily available to applicants.
33 (i) Administration of Forgivable Loan Awards. – Upon the naming of recipients of the
34 forgivable loans by the Commission, the Commission shall transfer to the Authority its
35 decisions. The Authority, in coordination with the Director, shall perform all of the
36 administrative functions necessary to implement this Part, which functions shall include rule
37 making, dissemination of information, liaison with participating institutions of higher
38 education, implementing forgivable loan agreements, loan monitoring, loan cancelling through
39 service and collection, determination of the acceptability of service repayment agreements,
40 enforcing the agreements, and all other functions necessary for the execution, payment, and
41 enforcement of promissory notes required under this Part.
42 (j) Annual Report. – The Commission, in coordination with the Authority, shall report
43 no later than January 1, 2019, and annually thereafter, to the Joint Legislative Education
44 Oversight Committee regarding the following:
45 (1) Forgivable loans awarded from the Fund, including the following:
46 a. Demographic information regarding recipients.
47 b. Number of recipients by institution of higher education and program.
48 c. Information on number of recipients by anticipated STEM and
49 special education licensure area.
50 (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

1 preparation programs at which a recipient may use a forgivable loan no later than November
2 15, 2017, and shall make available applications to prospective students no later than December
3 31, 2017.

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

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

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

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

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

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



Senate Committee

On

Education/Higher Learning

April 5, 2017

Room 544, LOB

12:00 PM

Senate Sergeant at Arms:

John Enloe

Billy Fritscher

Frances Patterson



Senate Pages Attending

COMMITTEE: Education ^{Higher} Ed. ROOM: 544

DATE: 4-5 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

	Page Name	Hometown	Sponsoring Senator
1.	Kimberly Sconiers	Fuquay varina	Blue
2.	Zachary Smith	Bailey	Horner
3.	Madison Sonzogno	Emerald Isle	Sanderson
4.			
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8.			

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

Education

4/05/17

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

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Christina Hay	Dignity Teachers
Angela Scioli	Hope Street Group
LUCAS PASLEY	Hope Street Group -
Chris Broughton	MWC
Tom West	NCTCU
Richard Bostic	NC SBA
Agnes Milder	NC SBA
Matthew Dockher	Appalachian State
Don Metz	UNC GA
Jonathan Kaplan	UNC GA
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Date _____

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VISITOR REGISTRATION SHEET

Education

4-5-2017

Name of Committee

Date

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Robb Jansen	NCSBE
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Adam Pridermore	NCHSA
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Laura Herndon	UNC Asheville
John Pierce	UNC Asheville
Leanne Winn	WCSBA
Tommy Sevier	WNC
Jennifer Bell	SAS
Mike Leighs	NCPC



**Senate Committee on Education/Higher Education
Tuesday, April 11, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on April 11, 2017 in Room 544 of the Legislative Office Building. 16 members were present.

Senator David L. Curtis, Chair, presided.

Senator Curtis opened the meeting and recognized the Senate Sergeant at Arms.

SB 448 Professors in the Classroom. (Senators Barefoot, Newton, Krawiec)

Senator Barefoot presented the bill. Members of the committee were given the opportunity to ask questions on the bill. Senator Smith-Ingram moved for a favorable report. The motion was approved, the bill passed.

SB 517 North Carolina New Teacher Support Act. (Senators Barefoot, Lee, Edwards)

Senator Barefoot presented the bill. Members of the committee were given the opportunity to ask questions on the bill. An Amendment was presented, Senator Waddell moved to accept the Amendment and it passed. Questions and answers took place. Senator Rabin made a favorable motioned, Sen. Smith-Ingram made a second. The bill passed favorable as amended to be rolled into a PCS.

SB 598 Future Teachers of North Carolina. (Senators Barefoot, Meredith, Britt)

Senator Barefoot presented the bill. Members of the committee were given the opportunity to ask questions on the bill. Senator Cook moved for a favorable motion. And Amendment was introduced. Senator Cook motioned for the Amendment and then motioned for favorable. It was brought back before the committee for further questions. Further questions and answers took place. Senator Waddell made a favorable motion, Sen. Horner seconded the motion. The bill passed favorable to the Amendment to be rolled into a PCS.

SB 462 UNC/UTEACH Program. (Senators Barefoot, Curtis, Daniel)


Senator Barefoot presented the bill. Members of the committee were given the opportunity to ask questions on the bill. Senator Smith-Ingram made a favorable motion. The motion was approved and he bill passed with no Amendments.

SB 447 Turning TAs Into Teachers. (Senators Barefoot, McInnis, Smith-Ingram)

Senator Barefoot presented the bill. Members of the committee were given the opportunity to ask questions on the bill. Senator Smith-Ingram made a favorable motion. The motion was approved and the bill passed with no Amendments.



The meeting adjourned at 12:50 p.m.



Senator David L. Curtis, Chair
Presiding



Lynn Tennant, Committee Clerk



**Senate Committee on Education/Higher Education
Tuesday, April 11, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 448	Professors in the Classroom.	Senator Barefoot Senator Newton Senator Krawiec
SB 517	North Carolina New Teacher Support Act.	Senator Barefoot Senator Lee Senator Edwards
SB 598	Future Teachers of North Carolina.	Senator Barefoot Senator Meredith Senator Britt
SB 462	UNC/UTEACH Program.	Senator Barefoot Senator Curtis Senator Daniel
SB 447	Turning TAs Into Teachers.	Senator Barefoot Senator McInnis Senator Smith-Ingram

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, April 11, 2017

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

FAVORABLE

SB 447	Turning TAs Into Teachers. Draft Number: None Sequential Referral: Appropriations/Base Budget Recommended Referral: None Long Title Amended: No
SB 448	Professors in the Classroom. Draft Number: None Sequential Referral: Rules and Operations of the Senate Recommended Referral: None Long Title Amended: No
SB 462	UNC/UTEACH Program. Draft Number: None Sequential Referral: Rules and Operations of the Senate Recommended Referral: None Long Title Amended: No

TOTAL REPORTED: 3

Senator Chad Barefoot will handle SB 447

Senator Chad Barefoot will handle SB 448

Senator Chad Barefoot will handle SB 462



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

**Senator Barefoot, Co-Chair
Senator Curtis, Co-Chair
Senator Lee, Co-Chair**

Tuesday, April 11, 2017

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

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

SB 517

North Carolina New Teacher Support Act.

Draft Number: S517-PCS45407-TC-19
Sequential Referral: Appropriations/Base Budget
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle SB 517



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, April 11, 2017

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

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

SB 598

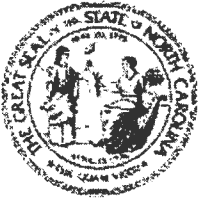
Future Teachers of North Carolina.

Draft Number:	S598-PCS15184-BE-10
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle SB 598





SENATE BILL 448: Professors in the Classroom.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 11, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Barefoot, Newton, Krawiec	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *Senate Bill 448 would authorize local boards of education to employ higher education faculty members to serve as adjunct instructors for core academic subjects without the faculty members having to obtain a teaching license.*

CURRENT LAW: Teachers employed in public schools in the State are required by G.S. 115C-295 to hold a teaching license. G.S. 115C-157.1 exempts certain career and technical education teachers from the licensure requirement.

BILL ANALYSIS: Senate Bill 448 would authorize local boards of education to employ higher education faculty members to serve as adjunct instructors for core academic subjects in grades kindergarten through 12 without the faculty members having to obtain a teaching license. The State Board of Education would be required to establish minimum criteria for such teachers. These teachers would have to:

- Be employed less than 20 hours per week or less than six full consecutive months. As temporary employees, they would not be eligible to earn paid leave, participate in the Teachers' and State Employees' Retirement System, or receive or purchase health benefits through the State Health Plan for Teachers and State Employees.
- Pass a criminal history check.
- Receive preservice training in:
 - The identification and education of children with disabilities.
 - Positive management of student behavior.
 - Effective communication for defusing and de-escalating disruptive or dangerous behavior.
 - Safe and appropriate use of seclusion and restraint.

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

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 448

Short Title: Professors in the Classroom.

(Public)

Sponsors: Senators Barefoot, Newton, Krawiec (Primary Sponsors); and Smith-Ingram.

Referred to: Rules and Operations of the Senate

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO EMPLOY HIGHER
EDUCATION FACULTY MEMBERS TO SERVE AS ADJUNCT INSTRUCTORS FOR
CORE ACADEMIC SUBJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 115C of the General Statutes is amended by
adding a new section to read:

"§ 115C-298.5. Adjunct K-12 instructors in core academic subjects.

(a) Adjunct Hiring Criteria. – The State Board of Education shall develop minimum
criteria of relevant education or employment experience for an individual who is currently
employed at an institution of higher education as a faculty member to qualify that individual to
contract as an adjunct instructor in specific core academic subjects in grades kindergarten
through 12 and shall make such criteria available to local boards of education.

(b) Contracting With Adjunct Instructors. – Notwithstanding any provisions in this
Article to the contrary and Part 3 of Article 22 of this Chapter, a local board of education may
contract with an individual to serve as an adjunct instructor who meets the adjunct hiring
criteria established by the State Board of Education for specific core academic subjects. The
local board of education may contract with an adjunct instructor on an annual or semester basis,
subject to the following requirements:

(1) An adjunct instructor may be employed for less than 20 hours per week or
for less than six full consecutive months of employment. Adjunct instructors
may be classified as temporary full-time or part-time employees. Based on
the status as a temporary public school employee, an adjunct instructor shall
not be eligible to earn paid leave, participate in the Teachers' and State
Employees' Retirement System, or receive or purchase health benefits
through the State Health Plan for Teachers and State Employees.

(2) An adjunct instructor shall be subject to a criminal history check to ensure
that the person has not been convicted of any crime listed in G.S. 115C-332.

(3) An adjunct instructor shall not be required to hold or apply for licensure as a
teacher.

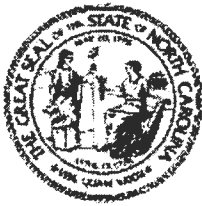
(4) If an adjunct instructor is not licensed as a teacher, the adjunct instructor
shall complete preservice training, which may be offered through an
educator preparation program or by a local school administrative unit, in all
of the following areas prior to beginning instruction:

a. The identification and education of children with disabilities.

b. Positive management of student behavior.



- 1 c. Effective communication for defusing and de-escalating disruptive or
- 2 dangerous behavior.
- 3 d. Safe and appropriate use of seclusion and restraint."
- 4 **SECTION 2.** This act is effective when it becomes law.



SENATE BILL 517: North Carolina New Teacher Support Act.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 11, 2017
Introduced by:	Sens. Barefoot, Lee, Edwards	Prepared by:	Kara McCraw
Analysis of:	First Edition		Staff Attorney

OVERVIEW: SB 517 would:

- *Provide for highly qualified graduates to be paid at higher experience levels on the teacher salary schedule when meeting certain qualifications.*
- *Provide funding for the North Carolina New Teacher Support Program.*
- *Provide for reimbursement of the fee for initial teacher licensure for successful applicants who are graduates of in-state educator preparation programs.*

CURRENT LAW:

PART I: The 2016 Appropriations Act provides a monthly salary schedule for teachers for the 2016-2017 school year that provides a higher monthly salary to teachers based on each year of experience (step) during a teacher's first 15 years of experience. New teachers with no experience are paid at the 0 step.

PART II: The North Carolina New Teacher Support Program, under The University of North Carolina General Administration, is an induction program that supports beginning teachers in their first three years of service by providing an instructional skills institute, professional development, and instructional coaching in partnership with North Carolina State University, Western Carolina University, the University of North Carolina Center for School Leadership Development, the University of North Carolina at Charlotte, East Carolina University, and the University of North Carolina at Greensboro.

PART III: G.S. 115C-296 authorizes the State Board of Education (SBE) to establish a schedule of fees for teacher licensure and administrative changes, including fees for the initial application for a New, In State Approved Program Graduate. Currently, the SBE has established this fee at \$70.

BILL ANALYSIS:

PART I: SB 517 would define a highly qualified graduate as an individual entering the teaching profession who meets the following qualifications:

- Graduated from an approved educator preparation program in North Carolina.
- Had a grade point average of 3.75 or higher on a 4.0 scale, or its equivalent.
- Scored a 48 on the edTPA assessment or an equivalent score on a nationally normed and valid pedagogy assessment used to determine clinical practice.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 517

Page 2

Highly qualified graduates would be paid on the highest of the following experience levels of the monthly salary schedule upon meeting the following criteria:

- Paid For 3 Years of Experience – A highly qualified graduate employed in a low-performing school would be paid at this experience level for the first four years of employment.
- Paid for 2 Years of Experience - A highly qualified graduate employed to teach special education, science, technology, engineering, or mathematics would be paid at this experience level for the first three years of employment.
- Paid for 1 Year of Experience - A highly qualified graduate would be paid at this experience level for the first two years of employment.

This Part would become effective only if funds are appropriated in the 2017 Regular Session of the 2017 General Assembly, and would apply beginning with the 2017-2018 school year.

PART II: SB 517 would appropriate one million dollars in recurring funds to the Board of Governors of The University of North Carolina beginning with the 2017-2018 school year to support and expand the North Carolina New Teacher Support Program, including 2 new anchor sites at Appalachian State University and the University of North Carolina at Wilmington.

PART III: SB 517 would require the State Board of Education to reimburse, within 30 days of the applicant earning the license, the initial teacher licensure fee if the applicant is a graduate of an approved educator preparation program located in North Carolina.

The bill would also appropriate \$245,000 in recurring funds beginning with the 2017-2018 school year to the Department of Public Instruction to reimburse the initial teacher licensure application fees for qualifying applicants.

EFFECTIVE DATE: Except as otherwise provided, SB 517 would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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1

SENATE BILL 517

Short Title: North Carolina New Teacher Support Act.

(Public)

Sponsors: Senators Barefoot, Lee, Edwards (Primary Sponsors); McInnis and Newton.

Referred to: Rules and Operations of the Senate

March 30, 2017

A BILL TO BE ENTITLED
AN ACT TO SUPPORT NEW TEACHERS IN NORTH CAROLINA AND TO
APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

**PART I. ADDITIONAL SUPPORT FOR CERTAIN GRADUATES OF AN APPROVED
NORTH CAROLINA EDUCATOR PREPARATION PROGRAM**

SECTION 1.(a) For purposes of this subsection, a "highly qualified graduate" is an individual entering the teaching profession who has graduated from an approved educator preparation program located in North Carolina (i) with a grade point average of 3.75 or higher on a 4.0 scale, or its equivalent, and (ii) with a score of 48 on the edTPA assessment or an equivalent score on the nationally normed and valid pedagogy assessment used to determine clinical practice performance. Notwithstanding the State standard salary schedule for teachers in the Current Operations and Capital Improvements Act, a highly qualified graduate shall be paid pursuant to the "A" Teachers salary schedule at the highest level for which that person qualifies, as follows:

- (1) A highly qualified graduate who is employed in a school identified as low-performing by the State Board of Education pursuant to G.S. 115C-105.37 on the date that person accepts initial employment shall be paid as though that person has three years of experience on the "A" Teachers salary schedule during that person's first four years of employment as a teacher, without a break in service, as long as that person remains teaching (i) at the same school or (ii) at another school or local school administrative unit identified as low-performing on the date that person accepts subsequent employment with the other school or local school administrative unit.
- (2) A highly qualified graduate licensed and employed to teach in the areas of special education, science, technology, engineering, or mathematics shall be paid as though that person has two years of experience on the "A" Teachers salary schedule during that person's first three years of employment as a teacher, without a break in service, as long as that person continues teaching in one of those areas.
- (3) A highly qualified graduate licensed and employed to teach by a local board of education shall be paid as though that person has one year of experience on the "A" Teachers salary schedule during that person's first two years of employment as a teacher without a break in service.



1 **SECTION 1.(b)** This section becomes effective only if funds are appropriated in
2 the 2017 Regular Session of the 2017 General Assembly to implement the provisions of this act
3 and would apply beginning with the 2017-2018 school year.
4

5 **PART II. FUND THE NORTH CAROLINA NEW TEACHER SUPPORT PROGRAM**

6 **SECTION 2.(a)** There is appropriated from the General Fund to the Board of
7 Governors of The University of North Carolina the sum of one million dollars (\$1,000,000) in
8 recurring funds for the 2017-2018 school year to support and expand the North Carolina New
9 Teacher Support Program. In addition to the current sites for this program at East Carolina
10 University, North Carolina Agricultural and Technical State University, the University of North
11 Carolina at Chapel Hill, the University of North Carolina at Charlotte, the University of North
12 Carolina at Greensboro, and Western Carolina University, two new anchor sites are established
13 at Appalachian State University and the University of North Carolina at Wilmington.

14 **SECTION 2.(b)** This section becomes effective July 1, 2017, and applies
15 beginning with the 2017-2018 school year.
16

17 **PART III. REIMBURSE INITIAL TEACHER LICENSURE FEE FOR CERTAIN**
18 **GRADUATES OF AN APPROVED NORTH CAROLINA EDUCATOR**
19 **PREPARATION PROGRAM**

20 **SECTION 3.(a)** G.S. 115C-269 is amended by adding a new subsection to read:

21 "(a4) Notwithstanding subsection (a2) of this section, the State Board of Education shall
22 reimburse the initial teacher licensure application fee for the first time an applicant submits an
23 application for teacher licensure, if the applicant meets all of the following requirements:

24 (1) The applicant is a graduate of an approved educator preparation program
25 located in North Carolina.

26 (2) The applicant has successfully earned an initial teaching license in North
27 Carolina.

28 The State Board shall issue reimbursement to the applicant within 30 days of the date the
29 applicant successfully earns an initial teaching license in North Carolina."

30 **SECTION 3.(b)** There is appropriated from the General Fund to the Department of
31 Public Instruction the sum of two hundred forty-five thousand dollars (\$245,000) in recurring
32 funds for the 2017-2018 school year to reimburse the initial teacher licensure application fee
33 for qualifying applicants pursuant to this section.

34 **SECTION 3.(c)** This section becomes effective July 1, 2017, and applies to
35 applications for licensure received on or after that date.
36

37 **PART IV. EFFECTIVE DATE**

38 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
39 law.



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 517**

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

S517-ABE-25 [v.3]

Page 1 of 1

Amends Title [NO]
First Edition

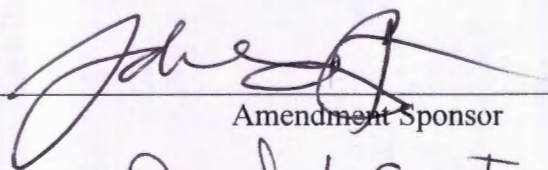
Date April 11, 2017

Senator Curtis

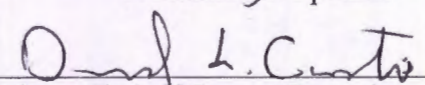
1 moves to amend the bill on page 2, lines 9-12 by rewriting the lines to read:

2
3 "Teacher Support Program. In addition to the current sites for this program at East Carolina
4 University, North Carolina State University, the University of North Carolina at Charlotte, the
5 University of North Carolina at Greensboro, the University of North Carolina Center for School
6 Leadership Development, and Western Carolina University, two new anchor sites are
7 established".
8
9

SIGNED


Amendment Sponsor

SIGNED


Committee Chair if Senate Committee Amendment

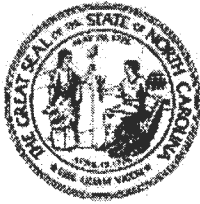
ADOPTED _____

FAILED _____

TABLED _____



* S 5 1 7 - A B E - 2 5 - V - 3 *



SENATE BILL 598: Future Teachers of North Carolina.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 11, 2017
Introduced by:	Sens. Barefoot, Meredith, Britt	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 598 would establish "Future Teachers of North Carolina" (FTNC) as a high school course offering to encourage high-achieving students with strong academic, interpersonal, and leadership skills to consider teaching as a career.

BILL ANALYSIS: Senate Bill 598 would establish FTNC as a course offering in participating North Carolina high schools to encourage high-achieving students with strong academic, interpersonal, and leadership skills to consider teaching as a career. FTNC courses would include both content and field experiences related to the teaching profession. Curricula and professional development would be provided to the FTNC teachers by faculty from three constituent institutions selected by the President of The University of North Carolina General Administration.

All high schools would be encouraged to offer the FTNC course, but they must ensure that all teachers teaching FTNC courses have received appropriate training, and they must seek a partner institution of higher education to provide support from college faculty. Constituent institutions that partner with high schools must offer dual credit for students who successfully complete the FTNC course with a grade of "B" or higher, and other institutions of higher education are encouraged to do so as well.

SB 598 would provide \$278,500 in recurring funds to UNC General Administration for the 2017-2018 fiscal year to establish, develop curricula, and provide professional development for high school FTNC teachers. UNC General Administration would be required to report annually on the status and effectiveness of FTNC.

EFFECTIVE DATE: Senate Bill 598 would be effective on July 1, 2017. The selected constituent institutions would be required to make site applications available and provide professional development to high school teachers no later than February 1, 2018.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 598

Short Title: Future Teachers of North Carolina. (Public)

Sponsors: Senators Barefoot, Meredith, Britt (Primary Sponsors); Alexander, Ballard, Daniel, J. Jackson, McInnis, Newton, Rabin, and Smith-Ingram.

Referred to: Rules and Operations of the Senate

April 5, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH FUTURE TEACHERS OF NORTH CAROLINA.
3 The General Assembly of North Carolina enacts:

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

6 "Article 29A.

7 "Future Teachers of North Carolina.

8 "**§ 116-239.1. Establishment of Future Teachers of North Carolina.**

9 (a) Purpose. – Future Teachers of North Carolina, hereinafter FTNC, is established to
10 encourage high-achieving high school students with strong academic, interpersonal, and
11 leadership skills to consider teaching as a career.

12 (b) Program. – FTNC shall be a program providing professional development and
13 curricula for courses that provide a challenging introduction to teaching as a profession for high
14 school students through courses offered by participating high schools in conjunction with
15 college partners. FTNC courses shall include both content on pedagogy and the profession of
16 teaching and field experiences for high school students.

17 "**§ 116-239.5. Oversight of Future Teachers of North Carolina.**

18 (a) FTNC General Administration. – FTNC shall be administratively located in The
19 University of North Carolina General Administration. The President shall select three
20 constituent institutions with highly successful schools of education located in the western,
21 central, and eastern regions of the State, respectively, to collaborate on development of
22 curricula for FTNC and to provide professional development to high school teachers who will
23 teach FTNC courses. The three constituent institutions shall also work with other constituent
24 institutions and other institutions of higher education in the State to seek input in the
25 development of curricula and professional development for FTNC and to create a network of
26 college faculty to provide support to high schools offering FTNC courses.

27 (b) FTNC Site Applications. – All high schools in the State are encouraged to offer
28 FTNC courses to students. A high school shall apply to offer FTNC courses with the
29 geographically appropriate constituent institution overseeing FTNC and shall ensure that all
30 teachers teaching FTNC courses have received appropriate training. High schools shall also
31 seek a partner institution of higher education to provide support from college faculty. High
32 schools participating in the FTNC program shall report demographic, survey, and other
33 available outcome data to The University of North Carolina General Administration as
34 necessary for completion of the FTNC annual report required by G.S. 116-239.10.



* S 5 9 8 - V - 1 *

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

"§ 116-239.10. Future Teachers of North Carolina Reporting.

The University of North Carolina General Administration shall report annually, beginning October 15, 2019, on the following:

- (1) Total number and names of local school administrative units with high schools participating in FTNC, total number and names of high schools offering FTNC, partner institution of higher education for each high school, and number of sections of the course being offered at each high school.
- (2) Demographic information of students enrolled in FTNC courses.
- (3) Percentage of students who, after completing the course, reported the following:
 - a. The student plans to choose teaching as a profession.
 - b. The course was very or somewhat effective in helping the student formulate a positive perception of the education profession.
 - c. The coursework and activities increased the student's knowledge of the 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 2. The University of North Carolina General Administration shall report by October 15, 2018, on the number of site applications received, number of teachers provided professional development, number of local school administrative units and high schools offering FTNC, and number of sections of the course being offered for the 2018-2019 school year.

SECTION 3. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of two hundred seventy-eight thousand five hundred dollars (\$278,500) in recurring funds for the 2017-2018 fiscal year to establish, develop curricula, and provide professional development for high school teachers for the Future Teachers of North Carolina program at three constituent institutions.

SECTION 4. This act becomes effective July 1, 2017. The selected constituent institutions shall make available site applications and provide professional development to high school teachers no later than February 1, 2018.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 598

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

S598-ABE-23 [v.3]

Page 1 of 1

Amends Title [NO]
First Edition

Date April 11 2017

Senator Curtis

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

2
3 "SECTION 1. Article 1 of Chapter 116 of the General Statutes is amended by
4 adding a new Part to read:";

5
6 and on page 1, line 6 by deleting "Article 29A." and replacing it with "Part 4B.";

7
8 and on page 1, line 8, by deleting "§ 116-239.1." and replacing it with "§ 116-41.30.";

9
10 and on page 1, line 17, by deleting "§ 116-239.5." and replacing it with "§ 116-41.31.";

11
12 and on page 1, line 34, by deleting "§ 116-239.10." and replacing it with "§ 116-41.32.";

13
14 and on page 2, line 15, by deleting "§ 116-239.10." and replacing it with "§ 116-41.32.".

15
16
17
18
SIGNED

[Signature]
Amendment Sponsor

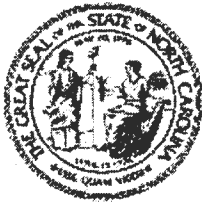
SIGNED

[Signature]
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* S 5 9 8 - A B E - 2 3 - V - 3 *



SENATE BILL 462: UNC/UTEACH Program.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 11, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Barefoot, Curtis, Daniel	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *Senate Bill 462 would 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.*

BILL ANALYSIS: Senate Bill 462 would 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. 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 bill provides a detailed list of factors that the President and Board of Governors should use 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: The act would be effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

S

1

SENATE BILL 462

Short Title:	UNC/UTEACH Program.	(Public)
<hr/>		
Sponsors:	Senators Barefoot, Curtis, and Daniel (Primary Sponsors).	
<hr/>		
Referred to:	Rules and Operations of the Senate	
<hr/>		

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.

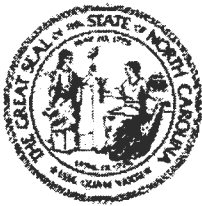
SECTION 1.(b) In their evaluation of the UTEACH program, the President, or the President's designee, and the Board of Governors may consider the following:

- (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.



SENATE BILL 447: Turning TAs Into Teachers.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education	Date:	April 11, 2017
Introduced by:	Sens. Barefoot, McInnis, Smith-Ingram	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 447 would expand the teacher assistant tuition reimbursement pilot program established by the General Assembly in the 2016 Appropriations Act to include 10 additional local boards of education and their local school administrative units.*

CURRENT LAW: Section 8.29 of the 2016 Appropriations Act created a pilot program for 5 local boards of education (Anson County, Franklin County, Moore County, Richmond County, and Scotland County) and their local school administrative units (LEAs) to provide tuition assistance awards to part-time or full-time teacher assistants working in the selected LEAs to pursue college degrees that would result in teacher licensure. The tuition assistance can be provided for part-time or full-time coursework and academic leave can be granted for classes that must be taken during LEA working hours. Teacher assistants that receive tuition assistance under the pilot program must fulfill the student teaching requirements of an educator preparation program by working in the teacher assistant's employing LEA.

Each local board of education participating in the pilot program can select up to 5 teacher assistants to receive awards of up to \$4,500 per academic year for a period of up to 4 years for the cost of tuition and fees to attend an educator preparation program. The local board of education must set the criteria for the applications from the teacher assistants and the selection criteria must include the following: (i) the teacher assistant must be employed by the local board of education the LEA; (ii) the teacher assistant must be enrolled or provide a statement of intent to enroll in an accredited institution of higher education the State with an approved educator preparation program; and (iii) the teacher assistant must be a resident of the State.

The participating local boards of education must enter memorandums of understanding with the institutions of higher education in which the recipients have enrolled that have the following information: (i) remittance of the award from the local board of education to the institution of higher education; (ii) endorsement of the funds awarded to the recipient to the institution of higher education for deposit into the account of the institution; and (iii) return of a pro rata share of funds to the local board of education if the recipient withdraws before the term ends or the employment is terminated.

The local boards of education must report to the Joint Legislative Education Oversight Committee by September 1, 2017, and then annually with information on: (i) the number and amount of funds in tuition assistance awards provided to teacher assistants; (ii) the number of teacher assistant recipients who achieved teacher licensure and the period of time from an initial tuition assistance award to the time of the achieving licensure; and (iii) the number of recipients who remained employed in the LEA after achieving teacher licensure.

BILL ANALYSIS: Senate Bill 447 would expand the teacher assistant tuition reimbursement pilot program beginning with the 2017-2018 fiscal year to the local boards of education of the following LEAs: Bertie County Schools, Duplin County Schools, Edenton-Chowan Schools, Edgecombe County

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 447

Page 2

Schools, Halifax County Schools, Nash-Rocky Mount Schools, Northampton County Schools, Tyrrell County Schools, Vance County Schools, and Washington County Schools.

The bill would clarify that teacher assistants may continue to receive salary and benefits while student teaching in the LEA as provided in G.S. 115C-310. The bill further states that all of the local boards of education participating in the pilot program must report to the Joint Legislative Education Oversight Committee by September 1, 2018 and annually thereafter on all of the same information required of the 5 original participating local boards of education.

Section 2 of the bill appropriates \$225,000 from the General Fund to the Department of Public Instruction in recurring funds for the 2017-2018 fiscal year for the purpose of expanding the number of local boards of education and LEAs participating in the pilot program.

EFFECTIVE DATE: The bill becomes effective July 1, 2017.

BACKGROUND: G.S. 115C-310 requires that the State Board of Education have a program to facilitate the process by which teacher assistants may become teachers and consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities regarding the program. It encourages LEAs to assign the teacher assistants to different classrooms during their student teaching than the classroom they are assigned to as a teacher assistant. The teacher assistants may continue to receive their salary and benefits while student teaching in the same LEA where they are employed as a teacher assistant.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 447

Short Title: Turning TAs Into Teachers.

(Public)

Sponsors: Senators Barefoot, McInnis, Smith-Ingram (Primary Sponsors); and Bryant.

Referred to: Rules and Operations of the Senate

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE TEACHER ASSISTANT TUITION REIMBURSEMENT
PILOT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.29 of S.L. 2016-94 reads as rewritten:

"TEACHER ASSISTANT TUITION REIMBURSEMENT PILOT PROGRAM

"SECTION 8.29.(a) Purpose. – The purpose of this section is to establish a pilot program ~~for~~ for, beginning with the 2016-2017 fiscal year, the local boards of education of the Anson County, Franklin County, Moore County, Richmond County, and Scotland County school administrative units and, beginning with the 2017-2018 fiscal year, the local boards of education of the Bertie County Schools, Duplin County Schools, Edenton-Chowan Schools, Edgecombe County Schools, Halifax County Schools, Nash-Rocky Mount Schools, Northampton County Schools, Tyrrell County Schools, Vance County Schools, and Washington County Schools, to provide tuition assistance awards to part-time or full-time teacher assistants working in those local school administrative units to pursue a college degree that will result in teacher licensure. Tuition assistance awards under the program may be provided for part-time or full-time coursework. A local board of education may grant a teacher assistant academic leave to pursue coursework that may only be taken during working hours. A teacher assistant receiving an award under the program shall fulfill the student teaching requirements of an educator preparation program by working in the teacher assistant's employing local school administrative unit. A teacher assistant may continue to receive salary and benefits while student teaching in the local school administrative unit in accordance with G.S. 115C-310.

...

"SECTION 8.29.(d) The local boards of education participating in the pilot program for the 2016-2017 fiscal year shall jointly report to the Joint Legislative Education Oversight Committee by September 1, ~~2017,~~ 2017. All of the local boards of education participating in the pilot program shall jointly report to the Joint Legislative Education Oversight Committee by September 1, 2018, and by September 1 of each year thereafter on the results of the pilot program, including at least the following information:

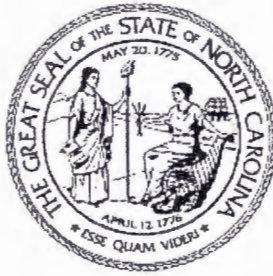
- (1) The number and amount of funds in tuition assistance awards provided to teacher assistants.
- (2) The number of teacher assistant recipients who achieved teacher licensure, including the period of time from the issue of an initial tuition assistance award to the time of achieving licensure.



1 (3) The number of recipients who remained employed in the local school
2 administrative unit after achieving teacher licensure."

3 **SECTION 2.** There is appropriated from the General Fund to the Department of
4 Public Instruction the sum of two hundred twenty-five thousand dollars (\$225,000) in recurring
5 funds for the 2017-2018 fiscal year for the purpose of expanding the number of local school
6 administrative units participating in the teacher assistant tuition reimbursement pilot program
7 as provided by this act.

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



4-11-17

(DATE)

Education, Higher Education
(COMMITTEE)

SENATE SERGEANT-AT-ARMS

Becky Myrick

Sham Patel

Giles Jeffreys

HOUSE SERGEANT-AT-ARMS



VISITOR REGISTRATION SHEET

Education / Higher Education
Name of Committee

4-11-17
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kirk Smith	LEE COUNTY 3108 AVENTS FERRY ROAD, SANFORD, NC 27330
Maghan Lewis	NCHamber
JULIE KOWAL	BEST NC
W. Barbara Ceper	PPAD
Robb Jansen	NCSBE
Reyna Waller Morgan	Crowder Consulting
Phoebe Landon	MWC
Taylor Smith	Lee County 1379 Poplar Springs Church Road, Sanford, NC 27330
Latanya Pattiillo	Office of Governor
Yvonne Pattiillo	1171122
Dennis Allen	NCRPA

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1. *Phragmites australis* (Cav.) Trin. ex Steud.

SPEAKER REGISTRATION SHEET

Education / Higher Education

4-11-17

Name of Committee

Date

Visitor

SPEAKERS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Catherine Truitt	UNC GA
Tiffany A Perkins	NC DPI
Jake Sipe	NC FPC
Kevin Wilkinsen	NC Superintendent
DAVE SABA	NC TEACHERS & Tomorrow
Anna Mildwest	NCSBA
Adam Prudence	NCSBA
Betty Doster	UNC C
Matthew Dockham	Appalachian State
Jonathan Kappeler	UNC GA
Michelle Brooks	ECU
Ray Trapp	NC A & T
Sarah Still	NCSU

Andrew Cagle

UNC G



VISITOR REGISTRATION SHEET

Senate / Education / Higher Education - 4-1-17
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ANTHONY ROULITTLE

NRA



**Senate Committee on Education/Higher Education
Wednesday, April 19, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on April 19, 2017 in Room 544 of the Legislative Office Building. 16 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting and recognized the Senate Sergeant at Arms

SB 15: Teachers/Isolated K-12 Schools. (Senators J. Davis, Tillman)

Senator Lee introduced Senator Jim Davis to present the bill. Senator Foushee made a motion to bring the proposed committee substitute forward for discussion. The motion was approved. Members of the bill were given the opportunity to ask questions of the bill sponsor and make comments.

SB 597: ApprenticeshipNC. (Senators Barefoot, Tillman, Hise)

Senator Barefoot presented Senate Bill 597.

Senator Curtis made a motion to bring an amendment to the bill forward. The motion was approved. Senator Barefoot presented the amendment and explained the bill. Members of the committee were given the opportunity to discuss the bill and amendment. Senator Cook made a motion to approve the amendment. The motion was approved. Further questions and discussion took place. Jimmie Williamson, President of the NC Community College System, spoke on the bill and urged the committee member's support for it. Senator Don Davis made a motion favorable to the bill as amended, rolled into a proposed committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill. The motion was approved.

SB 461: Modify UNC Laboratory Schools. (Senators Barefoot, Curtis, Lee)

Senator Barefoot presented Senate Bill 461.

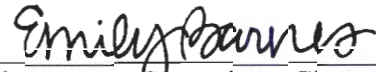
Members of the committee were given the opportunity to ask questions and comment on the bill. The education staff members further explained the bill and answered committee member's questions. Further questions and discussion took place. Senator Krawiec made a motion for a favorable report. The motion was approved.

The meeting adjourned at 12:41 PM.





Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk



Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	April 19, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>SB 597</u>	ApprenticeshipNC.	Senator Barefoot Senator Tillman
<u>SB 461</u>	Modify UNC Laboratory Schools.	Senator Hise Senator Barefoot Senator Curtis
<u>SB 15</u>	Teachers/Isolated K-12 Schools.	Senator Lee Senator J. Davis Senator Tillman

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Wednesday, April 19, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 597	ApprenticeshipNC.	Senator Barefoot Senator Tillman
SB 461	Modify UNC Laboratory Schools.	Senator Hise Senator Barefoot Senator Curtis
SB 15	Teachers/Isolated K-12 Schools.	Senator Lee Senator J. Davis Senator Tillman

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, April 19, 2017

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

FAVORABLE

SB 461

Modify UNC Laboratory Schools.

Draft Number: None

Sequential Referral: Appropriations/Base Budget

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle SB 461



★ C M R 2 2 3 - V - 1 ★

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, April 19, 2017

Senator Lee,

submits the following with recommendations as to passage:

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

SB 597

ApprenticeshipNC.

Draft Number: S597-PCS15186-BE-14

Sequential Referral: Rules and Operations of the Senate

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle SB 597



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



SENATE BILL 597: ApprenticeshipNC.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 19, 2017
Introduced by:	Sens. Barefoot, Tillman, Hise	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *Senate Bill 597 would transfer the administration of the Apprenticeship Program from the Department of Commerce to the Community Colleges System Office.*

CURRENT LAW: Chapter 94 of the General Statutes creates a program within the Department of Commerce in which voluntary apprentices work under approved apprentice agreements between the apprentice and the employer. The apprentice receives training facilities and guidance from the employer, and enrolls in related supplementary education.

Under G.S. 94-2, an Apprenticeship Council is appointed to create standards for apprentice agreements and issue rules and regulations related to Chapter 94. The Director of Apprenticeship, appointed by the Secretary of Commerce, is charged with administering the Apprenticeship Program. G.S. 94-4. Apprenticeship committees are required by G.S. 94-5 for each sponsor of an apprenticeship program, which serve to advise and coordinate the experience for the apprentices, including work hours and supplemental training.

Under G.S. 94-6, apprentices must be at least 16 years of age and be covered by a written apprenticeship agreement approved by the Apprenticeship Council. The agreement must provide for at least 2,000 hours of employment and a minimum of 144 hours of related supplemental instruction each year. Adjustments to these hours can be recommended by the apprenticeship committee or sponsor, subject to the approval of the Secretary of Commerce.

BILL ANALYSIS: Senate Bill 597 would transfer the administration of "ApprenticeshipNC" from the Department of Commerce to the Community Colleges System Office.

SECTIONS 1 & 2

Transfers ApprenticeshipNC from the Department of Commerce to the Community Colleges System Office by way of a Type I transfer.

SECTION 3

Revises Chapter 94 of the General Statutes to make conforming changes reflecting the transfer. Additionally, Sec. 3 makes the following modifications:

- Includes the following in the purposes of the program (G.S. 94-1):

Karen Cochrane-Brown
Director



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Senate Bill 597

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- "[C]oordinate workforce education and customized training tools to fill talent pipeline gaps, as appropriate, with local business and industry."
- "[L]everage the collaborative and regional structure of the community college service areas with the Collaboration for Prosperity Zones set out in G.S. 143B-28.1."
- Requires the Director of ApprenticeshipNC to report to the Vice President of Economic Development and the Vice President of Academic Programs and Student Services. G.S. 94-3.
- Specifies that the Director will supervise clerical, technical, and professional staff appointed to administer the ApprenticeshipNC program. G.S. 94-3.

SECTION 4

Allows current members of the Apprenticeship Council to serve the remainder of their terms.

SECTION 5-7

- Transfers \$350,000 in recurring funds from the Department of Commerce's Workforce Investment Act funds to the Community Colleges System Office to cover administrative costs. The Department of Commerce will update the Workforce Innovation and Opportunity Act State Plan to indicate the transfer of administration to the Community Colleges System Office.
- Appropriates \$500,000 in recurring funds from the General Fund to the Community Colleges System Office to increase apprenticeship opportunities across the State.

EFFECTIVE DATE: Sections 1 through 6 would become July 1, 2017. The remainder of the act would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 597

Short Title: ApprenticeshipNC. (Public)

Sponsors: Senators Barefoot, Tillman, Hise (Primary Sponsors); Daniel, Krawiec, Rabin, and Sanderson.

Referred to: Rules and Operations of the Senate

April 5, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER THE ADMINISTRATION OF THE STATE APPRENTICESHIP
3 PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE COMMUNITY
4 COLLEGES SYSTEM OFFICE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** All functions, powers, duties, obligations, resources, and
7 appropriations vested in the Apprenticeship Program and the Apprenticeship Council are
8 transferred to, vested in, and consolidated into the North Carolina Community Colleges System
9 Office as a Type I transfer, as defined in G.S. 143A-6. The State Board of Community
10 Colleges, the Community Colleges System Office, and the Office of State Budget and
11 Management are authorized to take all other steps necessary to consolidate the Apprenticeship
12 Program and the Apprenticeship Council into the Community Colleges System Office. Joint
13 delivery of Apprenticeship and Community College workforce training programs shall ensure
14 coordination of program delivery and appropriate classroom training supporting the needs of
15 students and employers.

16 **SECTION 2.** Article 1 of Chapter 115D is amended by adding a new section to
17 read:

18 **"§ 115D-5.3. ApprenticeshipNC Program; Apprenticeship Council; transfer.**

19 The ApprenticeshipNC Program and the Apprenticeship Council, as contained in Chapter
20 94 of the General Statutes and the laws of this State, are hereby transferred by a Type I transfer
21 to the North Carolina Community Colleges System Office."

22 **SECTION 3.** Chapter 94 of the General Statutes reads as rewritten:

23 **"Chapter 94.**

24 **"Apprenticeship.ApprenticeshipNC.**

25 **"§ 94-1. Purpose.**

26 The purposes of this Chapter are: to open to young people the opportunity to obtain training
27 that will equip them for profitable employment and citizenship; to set up, as a means to this
28 end, a program of voluntary apprenticeship under approved apprentice agreements providing
29 facilities for their training and guidance in the arts and crafts of industry and trade, with parallel
30 instruction in related and supplementary education; to promote employment opportunities for
31 young people under conditions providing adequate training and reasonable earnings; to relate
32 the supply of skilled workers to employment demands; to establish standards for apprentice
33 training; to coordinate workforce education and customized training tools to fill talent pipeline
34 gaps, as appropriate, with local business and industry; to establish an Apprenticeship Council
35 and apprenticeship committees and sponsors to assist in effectuating the purposes of this



Chapter; to leverage the collaborative and regional structure of the community college service areas with the Collaboration for Prosperity Zones set out in G.S. 143B-28.1; to provide for a Director of ~~Apprenticeship~~ApprenticeshipNC within the ~~Department of Commerce~~Community Colleges System Office; to provide for reports to the legislature and to the public regarding the status of apprentice training in the State; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

"§ 94-2. Apprenticeship Council.

The ~~Secretary of Commerce~~State Board of Community Colleges shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and three representatives from the public at large. One State official designated by the Department of Public Instruction and one State official designated by the Department of ~~Community Colleges~~Commerce shall be a member ex officio of said council, without vote. The terms of office of the members of the Apprenticeship Council first appointed by the ~~Secretary of Commerce~~State Board of Community Colleges shall expire as designated by the ~~Secretary~~State Board at the time of making the appointment: ~~two~~three representatives each of employers and employees, ~~being appointed for one year and one representative~~two representatives of the public at large ~~being appointed for two years; and one representative each of employers, employees, and the public at large being appointed for a term of three years.~~large. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his or her predecessor shall be appointed for the remainder of said term. Each member of the Council not otherwise compensated by public moneys, shall be reimbursed for transportation and shall receive such per diem compensation as is provided generally for boards and commissions under the biennial maintenance appropriation acts for each day spent in attendance at meetings of the Apprenticeship Council. The ~~Secretary of Commerce~~State Board of Community Colleges shall annually appoint one member of the Council to act as its chairman.

The Apprenticeship Council shall meet at the call of the ~~Secretary of Commerce~~State Board of Community Colleges and shall aid ~~him~~the State Board and the Community Colleges System Office in formulating policies for the effective administration of this Chapter. Subject to the approval of the ~~Secretary~~State Board of Community Colleges, the Apprenticeship Council shall establish standards for apprentice agreement which in no case shall be lower than those prescribed by this Chapter, shall issue such rules and regulations as may be necessary to carry out the intent and purposes of said Chapter, and shall perform such other functions as the ~~Secretary~~State Board of Community Colleges may direct. Not less than once a year the Apprenticeship Council shall make a report through the ~~Secretary~~Community Colleges System Office of its activities and findings to the legislature and to the public.

"§ 94-3. Director of ~~Apprenticeship~~ApprenticeshipNC.

The ~~Secretary of Commerce~~State Board of Community Colleges is hereby directed to appoint a Director of ~~Apprenticeship~~ApprenticeshipNC which appointment shall be subject to the confirmation of the State Apprenticeship Council by a majority vote. ~~The Secretary of Commerce~~The Director shall report to the Vice President of Economic Development and the Vice President of Academic Programs and Student Services within the Community Colleges System Office. Upon the recommendation of the Director, the State Board of Community Colleges is further authorized to appoint and employ such clerical, technical, and professional help as shall be necessary to effectuate the purposes of this Chapter. The Director shall supervise clerical, technical, and professional staff appointed to administer the ApprenticeshipNC program.

"§ 94-4. Powers and duties of Director of ~~Apprenticeship~~ApprenticeshipNC.

The Director, under the supervision of the ~~Secretary of Commerce~~Vice President of Economic Development and with the advice and guidance of the Apprenticeship Council is authorized to administer the provisions of this Chapter; in cooperation with the Apprenticeship

Council and apprenticeship committees and sponsors, to set up conditions and training standards for apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by this Chapter; to act as secretary of the Apprenticeship Council; to approve for the Council if in his or her opinion approval is for the best interest of the apprenticeship any apprentice agreement which meets the standards established under this Chapter; to terminate or cancel any apprentice agreement in accordance with the provisions of such agreement; to keep a record of apprentice agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as are necessary to carry out the intent of this Chapter, including other on-job training necessary for emergency and critical civilian production: Provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of State and local boards responsible for vocational education.

"§ 94-5. Apprenticeship committees and program sponsors.

(a) As used in this Chapter:

- (1) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.
- (2) "Apprenticeship agreement" means a written agreement between an apprentice and either his or her employer or an apprenticeship committee or sponsor acting as agent for employer(s), which agreement satisfies the requirements of G.S. 94-7.
- (2a) "ApprenticeshipNC" means the statewide apprenticeship program administered by the Community Colleges System Office under this Chapter.
- (3) "Sponsor" means any person, firm, corporation, organization, association or committee operating an apprenticeship program and in whose name the apprenticeship program is approved.
- (4) "Employer" means any person, firm, corporation or organization employing an apprentice whether or not such person, firm, corporation or organization is a party to an apprenticeship agreement with the apprentice.
- (5) "Apprenticeship committee" means those persons designated by the sponsor, and approved by the Apprenticeship Council, to act for it in the administration of the apprenticeship program. A committee may be "joint," i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be "unilateral" or "nonjoint" which shall mean a program sponsor in which employees or a bona fide collective bargaining agent is not a party.

(b) An apprenticeship committee may be appointed by the Apprenticeship Council in any trade or group of trades in a city or trade area, whenever the apprentice training needs of such trade or group of trades justifies such establishment.

(c) The function of the apprenticeship committee, or sponsor when there is no apprenticeship committee, shall be: to cooperate with school authorities in regard to the education of apprentices; in accordance with the standards set up by the apprenticeship committee for the same trade or group of trades, where such committee has been appointed, to work in an advisory capacity with employers and employees in matters regarding schedule of operations, application of wage rates, and working conditions for apprentices and to specify the number of apprentices which shall be employed locally in the trade under the apprenticeship

1 agreements under this Chapter; and to adjust apprenticeship disputes, subject to the approval of
2 the director; to ascertain the prevailing rate for journeymen in the city or trade area and specify
3 the graduated scale of wages applicable to apprentices in such trade in such area; to ascertain
4 employment needs in such trade or group of trades and specify the appropriate current ratio of
5 apprentices to journeymen; and to make recommendations for the general good of apprentices
6 engaged in the trade or trades represented by the committee. An apprenticeship committee may
7 appoint a representative and delegate to such representative the authority for implementation
8 and performance of any standards adopted by the committee pursuant to any of the
9 aforementioned functions.

10 **"§ 94-6. Definition of an apprentice.**

11 The term "apprentice," as used herein, shall mean a person at least 16 years of age who is
12 covered by a written apprenticeship agreement approved by the Apprenticeship Council, which
13 apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous
14 employment for such person for his participation in an approved schedule of work experience
15 and for organized, related supplemental instruction in technical subjects related to the trade. A
16 minimum of 144 hours of related supplemental instruction for each year of apprenticeship is
17 recommended. The required hours for apprenticeship agreements and the recommended hours
18 for related supplemental instruction may be decreased or increased in accordance with
19 standards adopted by the apprenticeship committee or sponsor, subject to approval of the
20 ~~Secretary of Commerce~~. State Board of Community Colleges.

21 ...

22 **"§ 94-9. Rotation of employment.**

23 For the purpose of providing greater diversity of training or continuity of employment, any
24 apprentice agreement made under this Chapter may in the discretion of the Director of
25 ~~Apprenticeship~~ ApprenticeshipNC be signed by an association of employers or an organization
26 of employees instead of by an individual employer. In such a case, the apprentice agreement
27 shall expressly provide that the association of employers or organization of employees does not
28 assume the obligation of an employer but agrees to use its best endeavors to procure
29 employment and training for such apprentice with one or more employers who will accept full
30 responsibility, as herein provided, for all the terms and conditions of employment and training
31 set forth in said agreement between the apprentice and employer association or employee
32 organization during the period of each such employment. The apprentice agreement in such a
33 case shall also expressly provide for the transfer of the apprentice, subject to the approval of the
34 Director, to such employer or employers who shall sign in written agreement with the
35 apprentice, and if the apprentice is a minor with his or her parent or guardian, as specified in
36 G.S. 94-8, contracting to employ said apprentice for the whole or a definite part of the total
37 period of apprenticeship under the terms and conditions of employment and training set forth in
38 the said agreement entered into between the apprentice and employer association or employee
39 organization.

40 **"§ 94-10. Repealed by Session Laws 1945, c. 729, s. 2.**

41 **"§ 94-11. Limitation.**

42 Nothing in this Chapter or in any apprentice agreement approved under this Chapter shall
43 operate to invalidate any apprenticeship provision in any collective agreement between
44 employers and employees, setting up higher apprenticeship standards; provided, that none of
45 the terms or provisions of this Chapter shall apply to any person, firm, corporation or crafts
46 unless, until, and only so long as such person, firm, corporation or crafts voluntarily elects that
47 the terms and provisions of this Chapter shall apply. Any person, firm, corporation or crafts
48 terminating an apprenticeship agreement shall notify the Director of
49 ~~Apprenticeship~~. ApprenticeshipNC.

50 **"§ 94-12. Repealed by Session Laws 2015-241, s. 15.13, effective July 1, 2015."**

1 **SECTION 4.** Notwithstanding G.S. 94-2, as amended by this act, the current
2 members serving on the Apprenticeship Council as of July 1, 2017, shall serve the remainder of
3 their terms. Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a
4 term, members on the Apprenticeship Council shall be appointed by the State Board of
5 Community Colleges in accordance with G.S. 94-2, as amended by this act.

6 **SECTION 5.** Of the Workforce Investment Act funds awarded to the Department
7 of Commerce by the United States Department of Labor, the sum of three hundred fifty
8 thousand dollars (\$350,000) shall be transferred to the Community Colleges System Office for
9 the administration of ApprenticeshipNC on a recurring basis for the 2017-2019 fiscal biennium.

10 **SECTION 6.** There is appropriated from the General Fund to the Community
11 Colleges System Office the sum of five hundred thousand dollars (\$500,000) in recurring funds
12 for the 2017-2018 fiscal year to increase apprenticeship opportunities across the State.

13 **SECTION 7.** The Department of Commerce shall submit a Workforce Innovation
14 and Opportunity Act State Plan amendment to the United States Department of Labor to
15 designate the Community Colleges System Office as the State agency responsible for the
16 administration of ApprenticeshipNC as provided for in this act.

17 **SECTION 8.** Sections 1 through 6 of this act become effective July 1, 2017. The
18 remainder of this act is effective when it becomes law.





SENATE BILL 461: Modify UNC Laboratory Schools.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 19, 2017
Introduced by:	Sens. Barefoot, Curtis, Lee	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 461 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: Senate Bill 461 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

Karen Cochrane-Brown
Director



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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.

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

Senate Bill 461

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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.





**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 597**

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

S597-ABE-26 [v.1]

Page 1 of 2

Amends Title [NO]
First Edition

Date _____ 2017

Senator Barefoot

1 moves to amend the bill on page 2, lines 13-19 by rewriting the lines to read:

2
3 "without vote. The terms of office of the members of the Apprenticeship Council ~~first~~
4 ~~appointed by the Secretary of Commerce shall expire as~~be designated by the ~~Secretary State~~
5 ~~Board. at the time of making the appointment: two representatives each of employers and~~
6 ~~employees, being appointed for one year and one representative of the public at large being~~
7 ~~appointed for two years; and one representative each of employers, employees, and the public~~
8 ~~at large being appointed for a term of three years. Any member appointed to fill a vacancy~~
9 occurring prior to the expiration of the";

10
11 And on page 2, lines 29-33 by rewriting the lines to read:

12
13 "Office in formulating policies for the effective administration of this Chapter. ~~Subject to the~~
14 ~~approval of the Secretary, the~~The Apprenticeship Council shall establish standards for
15 apprentice ~~agreement agreements~~ which in no case shall be lower than those prescribed by this
16 Chapter, shall ~~issue such~~recommend rules and regulations to the State Board of Community
17 Colleges as may be necessary to carry out the intent and purposes of said Chapter, and shall
18 perform such other functions as the";



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 597

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

S597-ABE-26 [v.1]

Page 2 of 2

1
2 And on page 2, lines 41-43 by rewriting the lines to read:

3
4 "~~Commer~~Upon the recommendation of the Director, the State Board of Community";

5
6 And on page 2, lines 49-50 by rewriting the lines to read:

7
8 "The Director, under the supervision of the ~~Secretary of Commerce~~President of the North
9 Carolina Community College System or the President's designee and with the advice and
10 guidance of the Apprenticeship Council is".
11

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 461*

Short Title: Modify UNC Laboratory Schools. (Public)

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

Referred to: Rules and Operations of the Senate

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



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 lablaboratory schools throughout the State and a maximum of one lablaboratory school located
51 in a qualifying local school administrative unit.~~The Board of Governors shall update the plan~~

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

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

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

23 (b) Resolution by the Subcommittee to Create Approve a Lab Laboratory School. – The
24 ~~board of trustees of a constituent institution~~ Subcommittee shall adopt a resolution stating its
25 intent to create a lab upon the approval of each laboratory school, which shall include the
26 following:

- 27 (1) Name of the lab laboratory school.
- 28 (2) The local school administrative unit in which the lab laboratory school shall
29 be located. The local school administrative unit in which the lab school is
30 located shall meet the requirement under G.S. 116-239.6(4) that twenty-five
31 percent (25%) or more of the schools located in the unit are identified as
32 low-performing under G.S. 115C-105.37 at the time the resolution is
33 adopted. However, the board of trustees shall continue to operate the lab
34 school within the local school administrative unit for at least five years as
35 provided under subdivision (3) of this subsection regardless of whether the
36 local school administrative unit continues to qualify under
37 G.S. 116-239.6(4).
- 38 (3) A term of operation for the lab laboratory school of five years from the date
39 of initial operation. At the end of five years of operation, if the lab laboratory
40 school is still located in a local school administrative unit that has
41 twenty-five percent (25%) or more of the schools located in the unit
42 identified as low-performing under G.S. 115C-105.37, or if the
43 Subcommittee renews a waiver of this requirement under subsection (a2) of
44 this section, the resolution may be renewed by the constituent
45 institution Subcommittee at the end of the term for an additional five years. If
46 the lab laboratory school is no longer (i) located in a qualifying local school
47 administrative unit or (ii) meeting the purposes of this Article under a waiver
48 at the end of five years, the board of trustees Subcommittee shall notify the
49 Board of Governors of the end of the term of operation and to request
50 consultation on determining the location of creating a new lab school in
51 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 LabLaboratory School. – Each board of trustees that adopts a
4 resolution as provided in this sectionThe Subcommittee shall file a copy of theeach resolution
5 to approve a laboratory school with the State Board of EducationDepartment 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 lablaboratory school.

9 (d) Dissolution or Assumption of a LabLaboratory School. – In the event of the
10 potential dissolution of a lablaboratory 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 adoptpropose 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 lablaboratory school by a new entityentity
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 EducationBoard of Governors and the Department of Public Instruction shall be notified in the
24 event of the dissolution or assumption of a lablaboratory 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 trusteeschancellor shall
37 also have the following powers and duties:

38 (1) Advisory board. – A board of trusteesThe chancellor shall appointestablish
39 an advisory board to provide general oversightadvice and guidance to the
40 board of trustees of the lab schoolchancellor 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

member who resides in the local school administrative unit in which the lab school is located, two parents or guardians of students who attend the lab school, and one lab school student appointed by the principal to serve on the advisory board-institution. At least one of the faculty members shall be faculty from the constituent institution's educator preparation program.

4. The superintendent of the local school administrative unit in which the laboratory school is located.

5. A member of the community who resides in the local school administrative unit in which the laboratory school is located.

6. Up to four other members that the chancellor deems necessary.

a1. Terms of members. – The term of each member shall be for ~~two~~ four years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. No advisory board member shall serve more than two complete consecutive terms. The ~~board of trustees~~ chancellor shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than ~~two~~ three members in any year.

a2. Organization; meetings; expenses. – The ~~board of trustees~~ chancellor shall call the organizational meeting of the advisory board. The advisory board shall meet at least quarterly. The advisory board shall annually elect a chair and a vice-chair. There shall be no limitation on ~~successive appointments to the advisory board or successive terms~~ that may be served by a chair or vice-chair. The advisory board shall adopt internal organizational procedures or bylaws necessary for efficient operation. Advisory board members shall not receive per diem or travel expenses for the performance of their duties.

b. Duties. – The advisory board ~~shall meet at least quarterly and~~ shall have the following duties:

1. Monitor the operations of the ~~lab~~ laboratory school and the distribution of moneys allocated for such operations.
2. Recommend to the ~~board of trustees~~ chancellor necessary policy, program, and administration modifications.
3. Evaluate biennially the performance of the principal and recommend corresponding action to the ~~board of trustees~~ chancellor.
4. Annually review evaluations of the ~~lab~~ laboratory school's operation and research findings.

(2) Academic program. – Laboratory school course of study. –

a. The ~~board of trustees~~ chancellor shall establish the standard course of study for the ~~lab~~ laboratory school. This course of study shall set forth the subjects to be taught in each grade and the texts and other educational materials on each subject to be used in each grade. The ~~board of trustees~~ chancellor shall design its programs to meet at least the student performance standards adopted by the State Board of Education and the student performance standards contained in 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

- 1 record as the term "public record" is defined under G.S. 132-1 and shall not
2 be subject to inspection and examination under G.S. 132-6.
- 3 (11) Schematic diagrams and school crisis kits. – ~~Lab~~Laboratory schools are
4 encouraged to provide schematic diagrams and keys to the main entrance of
5 school facilities to local law enforcement agencies, in addition to
6 implementing the provisions in G.S. 115C-105.52.
- 7 (12) School safety exercises. – At least once a year, a ~~lab~~laboratory school is
8 encouraged to hold a full schoolwide lockdown exercise with local law
9 enforcement and emergency management agencies that are part of the
10 ~~lab~~laboratory school's SRMP.
- 11 (13) Safety information provided to the Department of Public Safety, Division of
12 Emergency Management. – A ~~lab~~laboratory school is encouraged to provide
13 the following: (i) schematic diagrams, including digital schematic diagrams
14 and (ii) emergency response information requested by the Division for the
15 SRMP. The schematic diagrams and emergency response information are
16 not considered public records as the term "public record" is defined under
17 G.S. 132-1 and shall not be subject to inspection and examination under
18 G.S. 132-6.
- 19 (14) North Carolina school report cards. – A ~~lab~~laboratory school shall ensure
20 that the report card issued for it by the State Board of Education receives
21 wide distribution to the local press or is otherwise provided to the public. A
22 ~~lab~~laboratory school shall ensure that the overall school performance score
23 and grade earned by the ~~lab~~laboratory school for the current and previous
24 four school years is prominently displayed on the school Web site. If a
25 ~~lab~~laboratory school is awarded a grade of D or F, the ~~lab~~laboratory school
26 shall provide notice of the grade in writing to the parent or guardian of all
27 students enrolled in that school.
- 28 (15) Policy against bullying. – A ~~lab~~laboratory school is encouraged to adopt a
29 policy against bullying or harassing behavior, including cyberbullying, that
30 is consistent with the provisions of Article 29C of Chapter 115C of the
31 General Statutes. If a ~~lab~~laboratory school adopts a policy to prohibit
32 bullying and harassing behavior, the ~~lab~~laboratory school shall, at the
33 beginning of each school year, provide the policy to staff, students, and
34 parents as defined in G.S. 115C-390.1(b)(8).
- 35 (16) Access for youth groups. – ~~Lab~~Laboratory schools are encouraged to
36 facilitate access for students to participate in activities provided by any
37 youth group listed in Title 36 of the United States Code as a patriotic
38 society, such as the Boy Scouts of America, and its affiliated North Carolina
39 groups and councils, and the Girl Scouts of the United States of America,
40 and its affiliated North Carolina groups and councils. Student participation
41 in any activities offered by these organizations shall not interfere with
42 instructional time during the school day for the purposes of encouraging
43 civic education.

44 **"§ 116-239.9. Student admissions and assignment.**

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

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

(c) During each period of enrollment, the ~~lab~~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 ~~lab~~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 ~~lab~~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 ~~lab~~laboratory school, the local school administrative unit shall grant the leave for one year. For the initial year of the ~~lab~~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 ~~lab~~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
~~LAB~~LABORATORY 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 2017-20182019-2020 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 ~~lab~~laboratory 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 ~~lab~~laboratory 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.



SENATE BILL 15: Teachers/Isolated K-12 Schools.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 19, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. J. Davis, Tillman	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition		Staff Attorney
	S15-CSTC-21		

OVERVIEW: *SB 15 would require additional classroom teacher allotments for geographically isolated schools meeting certain requirements.*

The PCS for SB 15 would remove the appropriation of \$1,527,006 included in the 1st Edition of the bill.

CURRENT LAW: G.S. 115C-301 provides for allocation of teachers, and authorizes the State Board of Education to adopt rules to allot instructional personnel and teachers, within funds appropriated.

S.L. 2009-451, Sec. 7.26 established current requirements for additional allotments of teachers to geographically isolated schools. This budget provision requires the State Board of Education (SBE) to allot one classroom teacher per grade level to a school that meets the following requirements:

1. The school contains grades K-12.
2. Consolidation is not feasible due to the geographic isolation of the school.
3. The average daily membership of the local school administrative unit in which the school is located is less than 1.5 per square mile.

Currently one school in the State (Ocracoke School in Hyde County) qualifies to receive one teacher per grade level under this provision.

BILL ANALYSIS: SB 15 would amend G.S. 115C-301 to codify a modification of the 2009 budget provision for allocation of teachers in geographically isolated schools. The SBE would be required to allot one classroom teacher per grade level to a school that meets the following requirements:

1. The school contains grades K-12.
2. Consolidation is not feasible due to the geographic isolation of the school.
3. The school is located in a local school administrative unit that meets either of the following requirements:
 - a. Has an average daily membership of less than 1.5 per square mile.
 - b. Is in a county containing more than 150,000 acres of National Forest owned by the federal government and managed by the United States Forest Service, pursuant to G.S. 104-5.

EFFECTIVE DATE: SB 15 would become effective July 1, 2017

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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1

SENATE BILL 15*

Short Title: Teachers/Isolated K-12 Schools.

(Public)

Sponsors: Senators J. Davis, Tillman (Primary Sponsors); and Horner.

Referred to: Rules and Operations of the Senate

January 30, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR TEACHER ALLOTMENTS FOR GEOGRAPHICALLY
3 ISOLATED K-12 SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-301 is amended by adding a new subsection to read:

6 "(g1) Notwithstanding any other provision of this section, the State Board of Education shall
7 allot additional classroom teachers to schools containing grades kindergarten through 12 when
8 consolidation is not feasible due to the geographic isolation of the school and the school meets at
9 least one of the following criteria for geographic isolation:

- 10 (1) The school is located in a local school administrative unit in which the average
11 daily membership is less than 1.5 per square mile.
12 (2) The school is located in a local school administrative unit for a county
13 containing more than 150,000 acres of National Forest owned by the federal
14 government and managed by the United States Forest Service pursuant to
15 G.S. 104-5.

16 The State Board shall allot teachers to geographically isolated schools pursuant to this
17 subsection on the basis of one classroom teacher per grade level and shall allot teachers to the
18 remainder of the local school administrative unit under the regular teacher allotment formula."

19 **SECTION 2.** There is appropriated from the General Fund to the Department of
20 Public Instruction the sum of one million five hundred twenty-seven thousand six dollars
21 (\$1,527,006) for the 2017-2018 fiscal year and the sum of one million five hundred twenty-seven
22 thousand six dollars (\$1,527,006) for the 2018-2019 fiscal year to implement the provisions of this
23 act.

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





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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D

SENATE BILL 15
PROPOSED COMMITTEE SUBSTITUTE S15-CSTC-21 [v.1]

04/12/2017 06:05:03 PM

Short Title: Teachers/Isolated K-12 Schools.

(Public)

Sponsors:

Referred to:

January 30, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR TEACHER ALLOTMENTS FOR GEOGRAPHICALLY
3 ISOLATED K-12 SCHOOLS.

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11 daily membership is less than 1.5 per square mile.

12 (2) The school is located in a local school administrative unit for a county
13 containing more than 150,000 acres of National Forest owned by the federal
14 government and managed by the United States Forest Service pursuant to
15 G.S. 104-5.

16 The State Board shall allot teachers to geographically isolated schools pursuant to this
17 subsection on the basis of one classroom teacher per grade level and shall allot teachers to the
18 remainder of the local school administrative unit under the regular teacher allotment formula."

19 **SECTION 2.** This act becomes effective July 1, 2017.



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VISITOR REGISTRATION SHEET

Education / Higher Ed
Name of CommitteeApril 19
DateVISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

LAURA PURYEAR	MWC
Dylan Frich	
JOHN GOODMAN	CCE
Lane Wimer	NCSEA
Mike Leighs	NCPC
Kevin Butterfield	Commville
David Eford	11
Sheila Denn	League of Women Voters
W. Garth En	PPAB
Rachel Bealin	PPBaw
Edna Wallace	RTI
Michelle Brooks	ECU



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Brian Milder	NCSRA
Matt Ellinwood	NC Justice Center
Kevin Wilkinson	NC Superintendent
Robb Jansen	NC SBE
Sean Bulson	UNC GA
Elizabeth Cunningham	UNC GA
Jonathan Kappeler	UNC GA
Andrea Cole	UNC G
Drew Meitz	UNC GA
DAVID POWERS	UNC BOG
Richard Bristle	NC SBA
Adam Pralman	NC SBA



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Maaphan Luis	Nechamka
Erany Salamido	"
Carlin Little	UNC SDG
Latanya Padillo	Governor's Office
Jake Sipe	NCFPC
Leah Sutton	Hunt Institute
Justin Clayton	Governor
Stimmie Williamson	NCCCS
Mary Shuping	NCCCS
Mauveen Little	NCCCS
Tom West	NCICH



Senate Committee on Education/Higher Education
Monday, April 24, 2017 at 6:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 6:00 PM on April 24, 2017 in Room 544 of the Legislative Office Building. 18 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting by recognizing the Senate Sergeant at Arms.

SB 15 Teachers/Isolated K-12 Schools. (Senators J. Davis, Tillman)

Sen. Don Davis made a motion of favorable to the proposed committee substitute and unfavorable to the original bill.

Sen. Bill Cook seconded the motion. The motion was approved.

SB 420 CC Bd. of Trustees/Governance. (Senators Curtis, Barefoot)

Sen. Curtis explained Senate Bill 420.

Members of the committee were given the opportunity to ask questions of the bill sponsor.

Sen. Horner presented a handout to members of the committee. The handout is attached.

Members of the committee were given the opportunity to ask questions of Scott Shook, Chairman of the State Board of Community Colleges.

Sen. Barefoot displaced the bill until the next committee meeting.

HB 13 Class Size Requirement Changes. (Representatives McGrady, Elmore, Malone, Corbin)

Sen. Chad Barefoot and Rep. Jeffrey Elmore explained House Bill 13.

Sen. Barefoot offered an amendment to the bill.

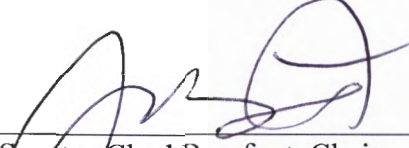
Katherine Joyce, executive director the NC Association of School Administrators, spoke in favor of the amendment.

Members of the committee were given the opportunity to ask questions about the amendment.

Sen. Jerry Tillman made a motion to adopt the amendment. The amendment was adopted.

Sen. Jerry Tillman made a motion to approve the bill as amended, rolled into a proposed committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill. Sen. Curtis seconded the motion. The motion was approved.

The meeting adjourned at 7:01 PM.



Senator Chad Barefoot, Chair
Presiding

Eric Naisbitt, Committee Clerk



Principal Clerk _____
Reading Clerk _____

Corrected #1: HB 13 added to agenda

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Monday	April 24, 2017	6:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>SB 15</u>	Teachers/Isolated K-12 Schools.	Senator J. Davis
<u>SB 420</u>	CC Bd. of Trustees/Governance.	Senator Tillman
<u>SB 599</u>	Excellent Educators for Every Classroom.	Senator Curtis
<u>HB 13</u>	Class Size Requirement Changes.	Senator Barefoot
		Representative McGrady
		Representative Elmore
		Representative Malone
		Representative Corbin

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Monday, April 24, 2017, 6:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sergeant at Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 15	Teachers/Isolated K-12 Schools.	Senator J. Davis Senator Tillman
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot
SB 599	Excellent Educators for Every Classroom.	Senator Barefoot
HB 13	Class Size Requirement Changes.	Representative McGrady Representative Elmore Representative Malone Representative Corbin

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Monday, April 24, 2017

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

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

SB 15	Teachers/Isolated K-12 Schools.
	Draft Number: S15-PCS15192-TC-21
	Sequential Referral: Rules and Operations of the Senate
	Recommended Referral: None
	Long Title Amended: No

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

HB 13	Class Size Requirement Changes.
	Draft Number: H13-PCS10314-TC-27
	Sequential Referral: Rules and Operations of the Senate
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 2

Senator Jim Davis will handle SB 15
Senator Chad Barefoot will handle HB 13



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SENATE BILL 15: Teachers/Isolated K-12 Schools.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 19, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. J. Davis, Tillman	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition S15-CSTC-21		Staff Attorney

OVERVIEW: *SB 15 would require additional classroom teacher allotments for geographically isolated schools meeting certain requirements.*

The PCS for SB 15 would remove the appropriation of \$1,527,006 included in the 1st Edition of the bill.

CURRENT LAW: G.S. 115C-301 provides for allocation of teachers, and authorizes the State Board of Education to adopt rules to allot instructional personnel and teachers, within funds appropriated.

S.L. 2009-451, Sec. 7.26 established current requirements for additional allotments of teachers to geographically isolated schools. This budget provision requires the State Board of Education (SBE) to allot one classroom teacher per grade level to a school that meets the following requirements:

1. The school contains grades K-12.
2. Consolidation is not feasible due to the geographic isolation of the school.
3. The average daily membership of the local school administrative unit in which the school is located is less than 1.5 per square mile.

Currently one school in the State (Ocracoke School in Hyde County) qualifies to receive one teacher per grade level under this provision.

BILL ANALYSIS: SB 15 would amend G.S. 115C-301 to codify a modification of the 2009 budget provision for allocation of teachers in geographically isolated schools. The SBE would be required to allot one classroom teacher per grade level to a school that meets the following requirements:

1. The school contains grades K-12.
2. Consolidation is not feasible due to the geographic isolation of the school.
3. The school is located in a local school administrative unit that meets either of the following requirements:
 - a. Has an average daily membership of less than 1.5 per square mile.
 - b. Is in a county containing more than 150,000 acres of National Forest owned by the federal government and managed by the United States Forest Service, pursuant to G.S. 104-5.

EFFECTIVE DATE: SB 15 would become effective July 1, 2017

Aren Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 15
PROPOSED COMMITTEE SUBSTITUTE S15-CSTC-21 [v.1]

04/12/2017 06:05:03 PM

Short Title: Teachers/Isolated K-12 Schools.

(Public)

Sponsors:

Referred to:

January 30, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR TEACHER ALLOTMENTS FOR GEOGRAPHICALLY
3 ISOLATED K-12 SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-301 is amended by adding a new subsection to read:

6 "(g1) Notwithstanding any other provision of this section, the State Board of Education shall
7 allot additional classroom teachers to schools containing grades kindergarten through 12 when
8 consolidation is not feasible due to the geographic isolation of the school and the school meets at
9 least one of the following criteria for geographic isolation:

10 (1) The school is located in a local school administrative unit in which the average
11 daily membership is less than 1.5 per square mile.

12 (2) The school is located in a local school administrative unit for a county
13 containing more than 150,000 acres of National Forest owned by the federal
14 government and managed by the United States Forest Service pursuant to
15 G.S. 104-5.

16 The State Board shall allot teachers to geographically isolated schools pursuant to this
17 subsection on the basis of one classroom teacher per grade level and shall allot teachers to the
18 remainder of the local school administrative unit under the regular teacher allotment formula."

19 **SECTION 2.** This act becomes effective July 1, 2017.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 420

Short Title: CC Bd. of Trustees/Governance.

(Public)

Sponsors: Senators Curtis and Barefoot (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CIRCUMSTANCES IN WHICH THE STATE BOARD OF
COMMUNITY COLLEGES MAY APPOINT AN INTERIM BOARD OF TRUSTEES TO
ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO REQUIRE
THAT A BOARD OF TRUSTEES MEET AT LEAST ONCE EVERY TWO MONTHS;
AND TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO
REQUIRE FINANCIAL AUDITS IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

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

"§ 115D-6.5. Notice of noncompliance; appointment of an interim board of trustees.

(a) Notice. – The State Board of Community Colleges is responsible for assuring that boards of trustees of the community colleges comply with applicable State laws, rules, and sound fiscal and management practices. In addition to any actions taken by the State Board under G.S. 115D-6(3), if the State Board finds that a board of trustees of a community college has willfully, or as a result of gross negligence, failed to or refused to comply with applicable State laws, rules, and sound fiscal and management practices, the State Board may issue a written notice to the board of trustees of its findings and direct the board of trustees to take remedial action immediately to address those findings upon receipt of the notice.

(b) Resolution. – If, after receipt of the notice issued under subsection (a) of this section, a board of trustees willfully, or as a result of gross negligence, persists in refusing or failing to comply with the State laws, rules, or sound fiscal and management practices identified in the notice, the State Board of Community Colleges may adopt a resolution, upon approval of at least two-thirds of the members of the State Board attending the meeting in which the resolution is considered, to vacate the terms of the board of trustees and appoint an interim board of trustees to assume the duties and responsibilities of that board of trustees. Prior to adopting the resolution, the State Board shall consult with the appointing authorities of the board of trustees and representatives of the North Carolina Association of Community College Trustees and the North Carolina Association of Community College Presidents regarding the proposed resolution. The State Board shall only exercise this authority as an extraordinary remedy utilized in the most extreme circumstances.

(c) Interim Board Assumption of Powers and Duties. – The adoption of the resolution under this section shall have the effect of vacating the terms of all of the members serving on the board of trustees. Notwithstanding G.S. 115D-12, the State Board of Community Colleges shall appoint an interim five-member board of trustees for a period not to exceed 12 months. To preserve local autonomy, the appointing authorities of the local administrative area of the





community college under G.S. 115D-12 shall make recommendations to the State Board on the appointment of the members to the interim board of trustees. At the end of the period of service of the interim board of trustees, a board of trustees for the community college shall be appointed in accordance with G.S. 115D-12. Initial terms of members of the new board of trustees shall be staggered to align with the remainder of the vacated terms of the members of the board of trustees.

(d) Notice to the General Assembly. – Within 60 days of the adoption of the resolution under this section, the State Board shall report to the General Assembly in accordance with G.S. 120-29.5 on the adoption of the resolution, the interim board of trustees appointed by the State Board, and any legislative recommendations necessary in regard to the future governance of the community college.

(e) State Board Policy. – The State Board of Community Colleges shall adopt any policies necessary to implement the provisions of this section."

SECTION 2. G.S. 115D-18 reads as rewritten:

"§ 115D-18. Organization of boards; meetings.

At the first meeting after its selection, each board of trustees shall elect from its membership a ~~chairman~~-chair, who shall preside at all board meetings, and a ~~vice-chairman~~, vice-chair, who shall preside in the absence of the ~~chairman~~-chair. The trustees shall also elect a secretary, who may be a trustee, to keep the minutes of all board meetings. All three officers of the board shall be elected for a period of one year but shall be eligible for reelection by the board.

Each board of trustees shall meet as often as may be necessary for the conduct of the business of the institution but shall meet at least once every ~~three~~-two months. Meetings may be called by the ~~chairman~~-chair of the board, a majority of the trustees, or the chief administrative officer of the institution."

SECTION 3. G.S. 115D-58.16(a) reads as rewritten:

"(a) Each community college shall be subject to a financial audit a minimum of once every two years. Community colleges may use State funds to contract with the State Auditor or with a certified public accountant to perform the audits. The colleges shall submit the results of the audits to the State Board of Community Colleges. The State Board of Community Colleges may require a community college to be audited annually after the community college has two consecutive financial audits with findings.

The State Board of Community Colleges shall ensure that all colleges are audited in accordance with this section."

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





SENATE BILL 420: CC Bd. of Trustees/Governance.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 24, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Curtis, Barefoot	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 420 would (i) allow the State Board of Community Colleges (SBCC) appoint an interim board of trustees to assume the powers and duties of a board of trustees of a local community college in certain instances; (ii) require that the boards of trustees of local community colleges meet at least once every 2 months; and (iii) authorize the SBCC to require financial audits in certain cases.*

SECTION 1

CURRENT LAW: G.S. 115D-12 establishes the local boards of trustees for community colleges. There are thirteen members on each board, including the president of the student body as an ex officio member. Of the remaining twelve members, they are appointed in groups of four respectively by the following entities: (i) the board(s) of education of the local school administrative unit(s) located in the administrative area of the institution; (ii) the board(s) of commissioners of the county or counties in the administrative area of the institution; and (iii) the Governor. Under G.S. 115D-6, the SBCC can withdraw or withhold State financial and administrative support of a local community colleges if any of the following occur:

- The required local financial support of an institution is not provided.
- Sufficient State funds are not available.
- The officials of an institution refuse or are unable to maintain prescribed standards of administration or instruction.
- Local educational needs for such an institution cease to exist.

BILL ANALYSIS: The bill would establish a procedure by which the SBCC can provide a notice of noncompliance to a local board of trustees and appoint an interim board of trustees when the SBCC finds that a local board of trustees has willfully or as a result of gross negligence failed to or refused to comply with applicable State laws and rules and sound fiscal and management practices.

Notice – If the SBCC finds that a local board of trustees has willfully or as result of gross negligence failed to or refused to comply with applicable State laws and rules and sound fiscal and management practices, the SBCC may issue a written notice to the board of trustees of these findings and direct the local board to take immediate remedial action to address the issues.

Resolution – If, after receipt of this notice, a board of trustees continues to willfully or as a result of gross negligence fail to or refuse to comply with applicable State laws and rules and sound fiscal and management practices identified in the notice, the SBCC may adopt a resolution by two thirds of the

Karen Cochrane-Brown
Director



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Senate Bill 420

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SBCC board members in attendance to vacate the terms of the local board of trustees and appoint an interim local board to assume the duties and responsibilities of that board of trustees.

Before adopting the resolution, the SBCC must consult with the appointing authorities of the board of trustees and representatives of the North Carolina Association of Community Colleges Trustees and the North Carolina Association of Community College Presidents regarding the proposed resolution. The SBCC may use this authority as an extraordinary remedy in the most extreme circumstances.

Interim Board and Permanent Replacements – The adoption of the resolution would have the effect of vacating the terms of all of the members serving on that board of trustees. The SBCC would then have to appoint an interim 5 member board of trustees for a period of no longer than 12 months. The appointing authorities of the local administrative area of the community college must make recommendations to the SBCC on the appointment of the interim board members. At the of the service of the interim board of trustees, a new board of trustees for that community college must be appointed in accordance with G.S. 115D-12 which is described above and the initial terms of the new members of the board of trustees staggered to align with the remainder of the vacated terms of the former members of the board.

Notice to the General Assembly – Within 60 days of the adoption of the resolution to remove the members of a board of trustees, the SBCC must report to the General Assembly on the adoption of the resolution and any necessary legislative recommendations addressing the future governance of that community college.

SECTION 2

CURRENT LAW: Each local board of trustees must meet as often as necessary for the conduct of the business of the community college but must meet at least once every 3 months.

BILL ANALYSIS: The bill would require that local boards of trustees meet at least once every 2 months.

SECTION 3

CURRENT LAW: Each community college is subject to a financial audit at a minimum of once every 2 years and must submit the results of the audits to the SBCC.

BILL ANALYSIS: The bill would allow the SBCC to require a community college to be audited annually after the community college has 2 consecutive audits with findings.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 13

Short Title: Class Size Requirement Changes. (Public)

Sponsors: Representatives McGrady, Elmore, and Malone (Primary Sponsors).

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

January 26, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE MAXIMUM AVERAGE CLASS SIZE REQUIREMENTS AND
3 INDIVIDUAL CLASS SIZE REQUIREMENTS FOR KINDERGARTEN THROUGH
4 THIRD GRADE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-301(c) reads as rewritten:

7 "(c) Maximum Class Size for Kindergarten Through Third Grade. – The average class size
8 for kindergarten through third grade in a local school administrative unit shall at no time exceed
9 the funded allotment ratio of teachers to students in kindergarten through third ~~grade-grade by~~
10 more than three students. At the end of the second school month and for the remainder of the
11 school year, the size of an individual class in kindergarten through third grade shall not exceed the
12 allotment ratio by more than ~~three~~six students. The funded class size allotment ratio for
13 kindergarten through third grade shall be as follows:

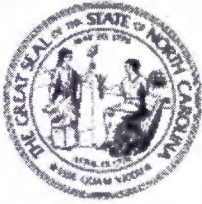
- 14 (1) For kindergarten, one teacher per 18 students.
15 (2) For first grade, one teacher per 16 students.
16 (3) For second grade, one teacher per 17 students.
17 (4) For third grade, one teacher per 17 students.

18 In grades four through 12, local school administrative units shall have the maximum flexibility
19 to use allotted teacher positions to maximize student achievement."

20 **SECTION 2.** This act is effective when it becomes law and applies beginning with the
21 2017-2018 school year.







HOUSE BILL 13: Class Size Requirement Changes.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education	Date:	April 24, 2017
Introduced by:	Reps. McGrady, Elmore, Malone, Corbin	Prepared by:	Kara McCraw
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *House Bill 13 would change the allowable average and individual class sizes permitted under the statute establishing maximum class sizes for kindergarten through third grade.*

CURRENT LAW: G.S. 115C-301(c) establishes maximum class sizes for kindergarten through third grade by requiring that the average class size for kindergarten through third grade cannot exceed the funded allotment ratio of teachers to students in those grades. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten through third grade cannot exceed the allotment ratio by more than three students. The funded class size allotment ratios for kindergarten through third grade, beginning with the 2017-2018 school year, are as follows:

- (1) For kindergarten, one teacher per 18 students.
- (2) For first grade, one teacher per 16 students.
- (3) For second grade, one teacher per 17 students.
- (4) For third grade, one teacher per 17 students.

BILL ANALYSIS: HB 13 would provide that the average class size for kindergarten through third grade could not exceed the funded allotment ratio of teachers to students in those grades by more than three students, and that the size of an individual class could not exceed the allotment ratio by more than six students.

EFFECTIVE DATE: This act is effective when it becomes law and applies beginning with the 2017-2018 school year.

BACKGROUND: See reverse for Classroom Teacher Ratio Chart prepared by Fiscal Research Division.

Karen Cochrane-Brown
Director



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House Bill 13

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Classroom Teacher Ratios

	Kindergarten			1st Grade			2nd Grade			3rd Grade		
	Funded Teacher Allotment	LEA Avg. Class Size	Individual Class Size Max	Funded Teacher Allotment	LEA Avg. Class Size	Individual Class Size Max	Funded Teacher Allotment	LEA Avg. Class Size	Individual Class Size Max	Funded Teacher Allotment	LEA Avg. Class Size	Individual Class Size Max
Current 2016-17	18	21	24	16	21	24	17	21	24	17	21	24
Effective FY 2017-18, if GA takes no action	18	18	21	16	16	19	17	17	20	17	17	20
HB 13	18	21	24	16	19	22	17	20	23	17	20	23





**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
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(to be filled in by
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Amends Title [NO]
First Edition

Date _____, 2017

Senator

Barefoot

1 moves to amend the bill on page 1, lines 1-21, by rewriting those lines to read:

2
3 "A BILL TO BE ENTITLED

4 AN ACT TO PHASE IN CLASS SIZE REQUIREMENTS OVER TWO YEARS; REQUIRE
5 TIMELY AND ACCURATE REPORTING OF STUDENT ASSIGNMENTS; AND
6 ENSURE COMPLIANCE WITH CLASS SIZE REQUIREMENTS.

7 The General Assembly of North Carolina enacts:

8
9 **PART I: CLASS SIZE REQUIREMENT PHASE IN**

10 **SECTION 1.(a)** Section 8.33.(b) of S.L. 2016-96 is repealed.

11 **SECTION 1.(b)** Notwithstanding G.S. 115C-301, as amended by this act, and any
12 other provision of law, for the 2017-2018 school year, the average class size for kindergarten
13 through third grade in a local school administrative unit shall not exceed 20 students. At the
14 end of the second school month and for the remainder of the school year, the size of an
15 individual class in kindergarten through third grade shall not exceed 23 students. The class size
16 requirements set forth in G.S. 115C-301, as amended by this act, shall apply beginning with the
17 2018-2019 school year.

18
19 **PART II: REPORTING REQUIREMENTS AND ACCOUNTABILITY MEASURES**

20 **SECTION 2.(a)** G.S. 115C-47(10) reads as rewritten:

21 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
22 boards of education to assure that the class size requirements set forth in
23 G.S. 115C-301 for kindergarten through third grade are met. Any teacher
24 who believes that the requirements of G.S. 115C-301 have not been met
25 shall make a report to the principal and superintendent, and the
26 superintendent shall immediately determine whether the requirements have
27 in fact not been met. If the superintendent determines the requirements have
28 not been met, he or she shall make a report to the next local board of
29 education meeting. The local board of education shall take action to meet the
30 requirements of the statute. If the local board cannot organizationally correct
31 the exception, it shall immediately apply to the State Board of Education for



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

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additional personnel or a waiver of the class size requirements, as provided in G.S. 115C-301(g).

Upon notification from the State Board of Education that the reported exception does not qualify for an allotment adjustment or a waiver under provisions of G.S. 115C-301, the local board, within 30 days, shall take action necessary to correct the ~~exception~~exception, as required in G.S. 115C-301(g).

At the end of ~~the second month of September and end of February of~~ each school year, the local board of education, through the superintendent, shall file a report with the ~~State Board of Education, Superintendent of Public Instruction,~~ in a format prescribed by the ~~State Board of Education, Superintendent of Public Instruction,~~ describing the organization of ~~each school, the duties of each teacher, and the size of each class for each school~~ in the local school administrative unit, as required by G.S. 115C-301(f). ~~As of February 1 each year, local boards of education, through the superintendent, shall report all exceptions to individual class size maximums that exist at that time.~~

In addition to assuring that the requirements of G.S. 115C-301 are met, each local board of education shall also have the duty to provide an adequate number of classrooms to meet the requirements of that statute."

SECTION 2.(b) G.S. 115C-301 reads as rewritten:

"§ 115C-301. Allocation of teachers; class size.

(a) Request for Funds. – The State Board of Education, based upon the reports of local boards of education and such other information as the State Board may require from local boards, shall determine for each local school administrative unit the number of teachers and other instructional personnel to be included in the State budget request.

(b) Allocation of Positions. – The State Board of Education is authorized to adopt rules to allot instructional personnel and teachers, within funds appropriated.

(c) Maximum Class Size for Kindergarten Through Third Grade. – The average class size for kindergarten through third grade in a local school administrative unit shall at no time exceed the funded allotment ratio of teachers to students in kindergarten through third grade. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten through third grade shall not exceed the allotment ratio by more than three students. The funded class size allotment ratio for kindergarten through third grade shall be as follows:

- (1) For kindergarten, one teacher per 18 students.
- (2) For first grade, one teacher per 16 students.
- (3) For second grade, one teacher per 17 students.
- (4) For third grade, one teacher per 17 students.

In grades four through 12, local school administrative units shall have the maximum flexibility to use allotted teacher positions to maximize student achievement.

(d), (e) Repealed by Session Laws 2013-363, s. 3.3(a), effective July 1, 2013.

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(f) ~~Second Month~~Biannual Reports. – At the end of ~~the second month~~September and end of February of each school year, each local board of education, through the superintendent, shall file a ~~report~~report, based on information provided by the principal, for each school within the local school administrative unit with the ~~State Board of Education~~Superintendent of Public Instruction. The report shall be filed in a format prescribed by the ~~State Board of Education~~Superintendent of Public Instruction and shall include the organization for each ~~school~~school in the local school administrative unit, including the following information

(1) For each class in each grade level at each school the following:

- a. The duties of the teacher.
- b. The source of funds used to pay for the teacher.
- c. The number of students assigned to the class, including all exceptions to individual class size maximums in kindergarten through third grade that exist at that time.

(2) For each school the following:

- a. The number of program enhancement teachers. For the purposes of this subdivision, program enhancement teachers are teachers who teach any of the following:
 1. Arts disciplines, including dance, music, theater, and the visual arts.
 2. Physical education and health programs.
 3. World languages.
- b. The source of funds used to pay each program enhancement teacher.

(3) Any other information the Superintendent of Public Instruction may require.
~~the duties of each teacher, the size of each class, and such other information as the State Board may require. As of February 1 each year, local boards of education, through the superintendent, shall report all exceptions to individual class size maximums in kindergarten through third grade that occur at that time. The Superintendent of Public Instruction shall conduct periodic audits of the information reported by the local superintendent under this subsection to confirm the accuracy of reporting at the local school administrative unit and school level of the average and individual class size for students in kindergarten through third grade. If the Superintendent of Public Instruction finds that a local board of education is exceeding class size requirements without application to the State Board for an allotment adjustment or a waiver of those class size requirements, the State Board may impose the penalty set forth in subsection (j) of this section until such time the local board of education receives a waiver or the schools in the unit meet the class size requirements for kindergarten through third grade.~~

(g) Waivers and Allotment Adjustments. – Local boards of education shall report exceptions to the class size requirements set out for kindergarten through third grade and significant increases in class size at other grade levels to the State Board and shall request allotment adjustments at any grade level, waivers from the requirements for kindergarten through third grade, or both. Within 45 days of receipt of reports, the State Board of Education, within funds available, may allot additional positions at any grade level. The State Board shall not grant waivers for excess class size in kindergarten through third grade, except under the following circumstances:

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- 1 (1)(i) ~~emergencies~~ Emergencies or acts of God that impact the availability of
2 classroom space or ~~facilities~~ facilities.
3 (2)(ii) ~~an~~ An unanticipated increase in student population of an individual school in
4 excess of two percent (2%) of the average daily membership of that
5 ~~school~~ school.
6 (3)(iii) ~~organizational~~ Organizational problems in geographically isolated local
7 school administrative units in which the average daily membership is less
8 than one and one-half per square ~~mile~~ mile.
9 (4)(iv) ~~classes~~ Classes organized for a solitary curricular ~~area~~ area. ~~or~~
10 (5)(v) ~~a~~ A charter school closure.

11 The State Board shall report on all waivers to the Joint Legislative Commission on
12 Governmental Operations within 30 days of the grant of the waiver. The report shall include
13 the local school administrative unit, school, and class or classes for which the waiver was
14 granted, the statutory grounds for the waiver, and the terms of the waiver. A waiver for excess
15 class size in kindergarten through third grade shall not become effective until the State Board
16 submits the report to the Joint Legislative Commission on Governmental Operations.

17 Upon notification from the State Board that the reported exception does not qualify for an
18 allotment adjustment or a waiver, the local board of education shall take action to correct the
19 exception within 30 days. Within 60 days of notification by the State Board, the Superintendent
20 of Public Instruction shall request an updated report from the local board of education on the
21 size of each class in kindergarten through third grade for each school within the local school
22 administrative unit. If the Superintendent of Public Instruction finds that a local board of
23 education is continuing to exceed class size requirements, the State Board may impose the
24 penalty set forth in subsection (j) of this section until such time the schools in the unit meet the
25 class size requirements for kindergarten through third grade.

26 (h) State Board Rules. – The State Board of Education shall adopt rules necessary for
27 the implementation of this section.

28 (i) Repealed by Session Laws 2013-363, s. 3.3(a), effective July 1, 2013.

29 (j) Penalty for Noncompliance. – A local superintendent shall complete a sworn
30 affidavit attesting that the superintendent has complied with the requirements of subsections (c)
31 through (g) of this section, and include that affidavit with the biannual reports on individual
32 class size required by subsection (f) of this section. If the State Board of Education determines
33 that a local superintendent has willfully failed to comply with the requirements of this section,
34 no State funds shall be allocated to pay the superintendent's salary for the period of time the
35 superintendent is in noncompliance. The local board of education shall continue to be
36 responsible for complying with the terms of the superintendent's employment contract.

37
38 **PART III: EFFECTIVE DATE**

39 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
40 law and applies beginning with the 2017-2018 school year."

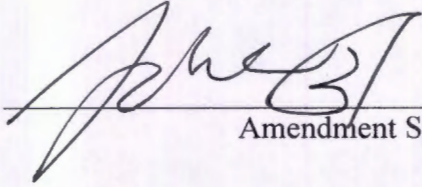
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SIGNED



Amendment Sponsor

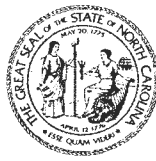
SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



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Amends Title [NO]
First Edition

Date _____, 2017

Senator _____

1 moves to amend the bill on page 1, lines 1-21, by rewriting those lines to read:

2
3 "A BILL TO BE ENTITLED
4 AN ACT TO PHASE IN CLASS SIZE REQUIREMENTS OVER TWO YEARS; REQUIRE
5 TIMELY AND ACCURATE REPORTING OF STUDENT ASSIGNMENTS; AND
6 ENSURE COMPLIANCE WITH CLASS SIZE REQUIREMENTS.

7 The General Assembly of North Carolina enacts:

8
9 **PART I: CLASS SIZE REQUIREMENT PHASE IN**

10 **SECTION 1.(a)** Section 8.33.(b) of S.L. 2016-96 is repealed.

11 **SECTION 1.(b)** Notwithstanding G.S. 115C-301, as amended by this act, and any
12 other provision of law, for the 2017-2018 school year, the average class size for kindergarten
13 through third grade in a local school administrative unit shall not exceed 20 students. At the
14 end of the second school month and for the remainder of the school year, the size of an
15 individual class in kindergarten through third grade shall not exceed 23 students. The class size
16 requirements set forth in G.S. 115C-301, as amended by this act, shall apply beginning with the
17 2018-2019 school year.

18
19 **PART II: REPORTING REQUIREMENTS AND ACCOUNTABILITY MEASURES**

20 **SECTION 2.(a)** G.S. 115C-47(10) reads as rewritten:

21 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
22 boards of education to assure that the class size requirements set forth in
23 G.S. 115C-301 for kindergarten through third grade are met. Any teacher
24 who believes that the requirements of G.S. 115C-301 have not been met
25 shall make a report to the principal and superintendent, and the
26 superintendent shall immediately determine whether the requirements have
27 in fact not been met. If the superintendent determines the requirements have
28 not been met, he or she shall make a report to the next local board of
29 education meeting. The local board of education shall take action to meet the
30 requirements of the statute. If the local board cannot organizationally correct
31 the exception, it shall immediately apply to the State Board of Education for



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1 additional personnel or a waiver of the class size requirements, as provided
2 in G.S. 115C-301(g).

3 Upon notification from the State Board of Education that the reported
4 exception does not qualify for an allotment adjustment or a waiver under
5 provisions of G.S. 115C-301, the local board, within 30 days, shall take
6 action necessary to correct the ~~exception~~exception, as required in G.S.
7 115C-301(g).

8 At the end of ~~the second month of September~~ and end of February of
9 each school year, the local board of education, through the superintendent,
10 shall file a report with the ~~State Board of Education~~Superintendent of Public
11 Instruction, in a format prescribed by the ~~State Board of Education~~Superintendent of Public Instruction,
12 describing the organization ~~of each school~~, the duties of each teacher, and the size of each class for each school
13 in the local school administrative unit, as required by G.S. 115C-301(f). As
14 of February 1 each year, local boards of education, through the
15 superintendent, shall report all exceptions to individual class size maximums
16 that exist at that time.

17
18 In addition to assuring that the requirements of G.S. 115C-301 are met,
19 each local board of education shall also have the duty to provide an adequate
20 number of classrooms to meet the requirements of that statute."

21 **SECTION 2.(b)** G.S. 115C-301 reads as rewritten:

22 **"§ 115C-301. Allocation of teachers; class size.**

23 (a) Request for Funds. – The State Board of Education, based upon the reports of local
24 boards of education and such other information as the State Board may require from local
25 boards, shall determine for each local school administrative unit the number of teachers and
26 other instructional personnel to be included in the State budget request.

27 (b) Allocation of Positions. – The State Board of Education is authorized to adopt rules
28 to allot instructional personnel and teachers, within funds appropriated.

29 (c) Maximum Class Size for Kindergarten Through Third Grade. – The average class
30 size for kindergarten through third grade in a local school administrative unit shall at no time
31 exceed the funded allotment ratio of teachers to students in kindergarten through third grade. At
32 the end of the second school month and for the remainder of the school year, the size of an
33 individual class in kindergarten through third grade shall not exceed the allotment ratio by more
34 than three students. The funded class size allotment ratio for kindergarten through third grade
35 shall be as follows:

- 36 (1) For kindergarten, one teacher per 18 students.
37 (2) For first grade, one teacher per 16 students.
38 (3) For second grade, one teacher per 17 students.
39 (4) For third grade, one teacher per 17 students.

40 In grades four through 12, local school administrative units shall have the maximum
41 flexibility to use allotted teacher positions to maximize student achievement.

42 (d), (e) Repealed by Session Laws 2013-363, s. 3.3(a), effective July 1, 2013.

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1 (f) ~~Second-Month~~Biannual Reports. – At the end of the ~~second-month~~September and
2 end of February of each school year, each local board of education, through the superintendent,
3 shall file a ~~report-report~~, based on information provided by the principal, for each school within
4 the local school administrative unit with the State Board of Education. Superintendent of Public
5 Instruction. The report shall be filed in a format prescribed by the ~~State Board of~~
6 ~~Education~~Superintendent of Public Instruction and shall include the organization for each
7 ~~school~~, school in the local school administrative unit, including the following information

8 (1) For each class in each grade level at each school the following:

9 a. The duties of the teacher.

10 b. The source of funds used to pay for the teacher.

11 c. The number of students assigned to the class, including all
12 exceptions to individual class size maximums in kindergarten
13 through third grade that exist at that time.

14 (2) For each school the following:

15 a. The number of program enhancement teachers. For the purposes of
16 this subdivision, program enhancement teachers are teachers who
17 teach any of the following:

18 1. Arts disciplines, including dance, music, theater, and the
19 visual arts.

20 2. Physical education and health programs.

21 3. World languages.

22 b. The source of funds used to pay each program enhancement teacher.

23 (3) Any other information the Superintendent of Public Instruction may require.

24 ~~the duties of each teacher, the size of each class, and such other information as the State Board~~
25 ~~may require. As of February 1 each year, local boards of education, through the superintendent,~~
26 ~~shall report all exceptions to individual class size maximums in kindergarten through third~~
27 ~~grade that occur at that time. The Superintendent of Public Instruction shall conduct periodic~~
28 ~~audits of the information reported by the local superintendent under this subsection to confirm~~
29 ~~the accuracy of reporting at the local school administrative unit and school level of the average~~
30 ~~and individual class size for students in kindergarten through third grade. If the Superintendent~~
31 ~~of Public Instruction finds that a local board of education is exceeding class size requirements~~
32 ~~without application to the State Board for an allotment adjustment or a waiver of those class~~
33 ~~size requirements, the State Board may impose the penalty set forth in subsection (j) of this~~
34 ~~section until such time the local board of education receives a waiver or the schools in the unit~~
35 ~~meet the class size requirements for kindergarten through third grade.~~

36 (g) Waivers and Allotment Adjustments. – Local boards of education shall report
37 exceptions to the class size requirements set out for kindergarten through third grade and
38 significant increases in class size at other grade levels to the State Board and shall request
39 allotment adjustments at any grade level, waivers from the requirements for kindergarten
40 through third grade, or both. Within 45 days of receipt of reports, the State Board of Education,
41 within funds available, may allot additional positions at any grade level. The State Board shall
42 not grant waivers for excess class size in kindergarten through third grade, except under the
43 following circumstances:

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 13

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

H13-ATC-52 [v.1]

Page 4 of 5

- 1 (1)(i) ~~emergeneies~~ Emergencies or acts of God that impact the availability of
2 classroom space or ~~facilities~~; facilities.
3 (2)(ii) ~~an~~ An unanticipated increase in student population of an individual school in
4 excess of two percent (2%) of the average daily membership of that
5 ~~school~~; school.
6 (3)(iii) ~~organizational~~ Organizational problems in geographically isolated local
7 school administrative units in which the average daily membership is less
8 than one and one-half per square ~~mile~~; mile.
9 (4)(iv) ~~classes~~ Classes organized for a solitary curricular ~~area~~; area. ~~or~~
10 (5)(v) ~~a~~ A charter school closure.

11 The State Board shall report on all waivers to the Joint Legislative Commission on
12 Governmental Operations within 30 days of the grant of the waiver. The report shall include
13 the local school administrative unit, school, and class or classes for which the waiver was
14 granted, the statutory grounds for the waiver, and the terms of the waiver. A waiver for excess
15 class size in kindergarten through third grade shall not become effective until the State Board
16 submits the report to the Joint Legislative Commission on Governmental Operations.

17 Upon notification from the State Board that the reported exception does not qualify for an
18 allotment adjustment or a waiver, the local board of education shall take action to correct the
19 exception within 30 days. Within 60 days of notification by the State Board, the Superintendent
20 of Public Instruction shall request an updated report from the local board of education on the
21 size of each class in kindergarten through third grade for each school within the local school
22 administrative unit. If the Superintendent of Public Instruction finds that a local board of
23 education is continuing to exceed class size requirements, the State Board may impose the
24 penalty set forth in subsection (j) of this section until such time the schools in the unit meet the
25 class size requirements for kindergarten through third grade.

26 (h) State Board Rules. – The State Board of Education shall adopt rules necessary for
27 the implementation of this section.

28 (i) Repealed by Session Laws 2013-363, s. 3.3(a), effective July 1, 2013.

29 (j) Penalty for Noncompliance. – A local superintendent shall complete a sworn
30 affidavit attesting that the superintendent has complied with the requirements of subsections (c)
31 through (g) of this section, and include that affidavit with the biannual reports on individual
32 class size required by subsection (f) of this section. If the State Board of Education determines
33 that a local superintendent has willfully failed to comply with the requirements of this section,
34 no State funds shall be allocated to pay the superintendent's salary for the period of time the
35 superintendent is in noncompliance. The local board of education shall continue to be
36 responsible for complying with the terms of the superintendent's employment contract.

37
38 **PART III: EFFECTIVE DATE**

39 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
40 law and applies beginning with the 2017-2018 school year."

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 13**

H13-ATC-52 [v.1]

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

Page 5 of 5

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



board of directors may employ an applicant conditionally while the board is checking the person's criminal history and making a decision based on the results of the check.

- (2) There shall be no liability for negligence on the part of the State Board of Education or the board of directors of the charter school, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this subsection. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 5; 1997-443, s. 8.19; 1997-456, s. 55.4; 1998-212, s. 9.14A(a); 1999-243, s. 8; 2001-462, s. 1; 2004-118, s. 3; 2004-203, s. 45(b); 2006-69, s. 3(e); 2006-137, s. 2; 2007-59, s. 2; 2007-126, s. 2; 2007-323, s. 28.22A(o); 2007-345, s. 12; 2009-239, s. 1; 2009-563, s. 2; 2010-10, s. 2(a); 2011-93, s. 2(a); 2011-145, s. 7.29(b); 2011-164, s. 4; 2011-282, s. 9; 2012-142, ss. 7A.1(f), 7A.3(c), 7A.11(b); 2012-145, s. 2.5; 2012-179, s. 1(c); 2013-307, s. 1.1; 2013-355, s. 1(f); 2013-359, s. 1; 2013-360, ss. 8.43(a), 9.7(q); 2014-101, s. 7.)

§ 115C-218.94. Identification of low-performing and continually low-performing charter schools.

(a) Identification of Low-Performing Charter Schools. - The State Board of Education shall identify low-performing charter schools on an annual basis. Low-performing charter schools are those that receive a school performance grade of D or F and a school growth score of "met expected growth" or "not met expected growth" as defined by G.S. 115C-83.15.

(b) Identification of Continually Low-Performing Charter Schools. - The State Board of Education shall identify continually low-performing charter schools on an annual basis. A continually low-performing charter school is a charter school that has been designated by the State Board as low-performing for at least two of three consecutive years. (2016-79, s. 1.7(a).)

§ 115C-218.95. Causes for nonrenewal or termination; disputes.

(a) The State Board of Education may terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board upon any of the following grounds:

- (1) Failure to meet the requirements for student performance contained in the charter;
- (2) Failure to meet generally accepted standards of fiscal management;
- (3) Violations of law;
- (4) Material violation of any of the conditions, standards, or procedures set forth in the charter;
- (5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or
- (6) Other good cause identified.

(b) Repealed by Session Laws 2016-79, s. 1.7(b), effective June 30, 2016, and applicable beginning with the 2016-2017 school year.

(b1) If a charter school is continually low-performing, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board. However, the State Board shall not terminate or not renew the charter of a continually low-performing charter school solely for its continually low-performing status if the charter school has met growth in each of the immediately preceding three school years or if the charter school has implemented a strategic improvement plan approved by the State Board and is making measurable progress toward student performance goals. The State Board shall develop rules on the assumption of a charter by a new

entity that includes all aspects of the operations of the charter school, including the status of the employees. Public assets shall transfer to the new entity and shall not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-218.100(b).

(c) The State Board of Education shall develop and implement a process to address contractual and other grievances between a charter school and the local board of education during the time of its charter.

(d) The State Board and the charter school are encouraged to make a good-faith attempt to resolve the differences that may arise between them. They may agree to jointly select a mediator. The mediator shall act as a neutral facilitator of disclosures of factual information, statements of positions and contentions, and efforts to negotiate an agreement settling the differences. The mediator shall, at the request of either the State Board or a charter school, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators. The mediator may determine that an impasse exists and discontinue the mediation at any time. The mediator shall not make any recommendations or public statement of findings or conclusions. The State Board and the charter school shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 6; 2011-164, s. 5; 2013-355, s. 1(g); 2014-100, s. 8.34(c); 2014-101, s. 7; 2016-79, s. 1.7(b).)

§ 115C-218.100. Dissolution of a charter school.

(a) Funds Reserved for Closure Proceedings. - A charter school that has elected to participate in the North Carolina Retirement System pursuant to G.S. 135-5.3 shall, for as long as the charter school continues to participate in the North Carolina Retirement System, maintain for the purposes of ensuring payment of expenses related to closure proceedings in the event of a voluntary or involuntary dissolution of the charter school, one or more of the options set forth in this subsection. The minimum aggregate value of the options chosen by the charter school shall be fifty thousand dollars (\$50,000). The State Board of Education shall not allocate any funds under G.S. 115C-218.105 to a charter school unless the school has provided documentation to the State Board that the charter school has met the requirements of this subsection. Permissible options to satisfy the requirements of this subsection include one or more of the following:

- (1) An escrow account.
- (2) A letter of credit.
- (3) A bond.
- (4) A deed of trust.

(a1) In the event of a voluntary or involuntary dissolution of the charter school, the funds reserved for closure proceedings in subsection (a) of this section shall be used to pay wages owed to charter school employees, funds owed to the North Carolina Retirement System pursuant to G.S. 135-8, and funds owed to the State Health Plan, in that order. Other expenses shall be paid from the remaining balance in the funds reserved for closure proceedings in subsection (a) of this section.

(b) Distribution of Assets. - Upon dissolution of a charter school, all net assets of the charter school purchased with public funds shall be deemed the property of the local school administrative unit in which the charter school is located. (2014-100, s. 8.34(b); 2014-101, s. 7; 2015-168, s. 4; 2015-248,

The seal of the State of North Carolina is circular. It features two female figures: Liberty on the left, holding a staff with a Phrygian cap and a scroll, and Justice on the right, seated and holding a scale. The text "THE GREAT SEAL OF THE STATE OF NORTH CAROLINA" is inscribed around the top. The dates "MAY 20 1775" and "APRIL 12 1776" are at the top and bottom respectively. The motto "ESSE QUAM VIDERI" is at the bottom.

Senate Committee on Education

SPEAKERS: PLEASE SIGN IN BELOW[illegible]



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jill Jackson	Hunter Hunter PTA 1018 E Davie St 27601
Mark Snel	NCAE
Katherine Wiggie	NCAST
Neil Quinn	teacher
Ronda Mays	FCAE/NCAE
Angela Waites	GCAE/NCAE
Paula Jones-Lean	WCPSS/Wake NCAE
Ann Whitford	Board member NC Community College Board
Elizabeth Forgiel	WCPSS
Cody Burkhardt	WCPSS
Courtney Crowder	Crowder Consulting



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Reynold Walters Magnus	Crowder Consulting
Jeri Graham	NC Veterans Council
Julie Collins	421 Acorn Falls Ct Holly Springs NC
Debbie Collins	421 Acorn Falls Ct. Holly Springs NC
Caitlin Little	UNC SDC
Ray Trapp	NC A&T
Cecilia Alder	SBE PPI
Robb Jansen	NCSBE
Mac Shinn	NCACC Trustees
HAROLD HOLMES	NCACC TRUSTEES
Lyn Austin	Johnston Community College
Marilyn Starnes	Caldwell Com. College
Jules Woodson	NCACC



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

W. Deborah Culp	PPAB
Dawn McCormick - Dahm	Art Teacher / WCPSS / Parents for HB13 Save our Schools
Jessica Holmes	Wake County Gov. Justice Center
Lindsey Wakely	NC DPI
Catherine Truitt	UNC GA
Constance Bisesi	Art Teacher - WCPSS
Bethany Truchesset	Music Teacher WCPSS
Leanne Warner	NCSBA
John R. Litch	NC Family



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Natahie Herr	Everyone's North Carolina
Cory Williams	Everyone's NC
Angela Scioli	Wake County Public Schools
Bryan D. Hellenberg	Hellenberg Group Inc.
Kristin Beller	WCPSS / Wake NCAE
Phoebe Landon	MWC
Tim Crowley	NCAE
Marge Forman	NCHE
Mary Shuping	NCCCS
Tom West	NCICU
Johanna Reese	NACC

High Johnson

Page McCullough

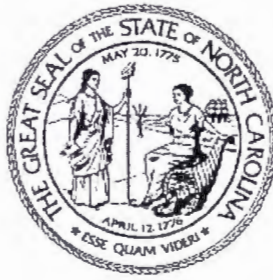
NCHE
Durham Assoc of Educators

Jammine Williamson
Scott Shook

NC Community College Syst

" " " "





April 24, 2017
(DATE)

Senate Committee on Education / Higher Education
(COMMITTEE)

SENATE SERGEANT-AT-ARMS

Terry Barnhardt

Sham Patel

Steve McKaig

HOUSE SERGEANT-AT-ARMS



**Senate Committee on Education/Higher Education
Tuesday, April 25, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on April 25, 2017 in Room 544 of the Legislative Office Building. 13 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting and recognized the Senate Sergeant at Arms and Senate Pages.

SB 468: QZAB Use Modification. (Senator Brown)

Senator Brown presented Senate Bill 468.

Members of the committee were given the opportunity to ask questions and comment on the bill. Senator Rabin made a motion for a favorable report. The motion was approved.

SB 408: NC Truth in Education. (Senators Curtis, McInnis)

Senator Curtis presented an amendment for Senate Bill 408. Senator Don Davis made a motion to approve the amendment. The motion was approved. Senator Curtis presented the bill as amended. Members of the committee were given the opportunity to ask questions and comment on the bill. Further discussion followed and the Committee Chair requested that staff engross the amendment into a proposed committee substitute. The bill was held over to the next education committee meeting.

SB 449: Early Ed Articulation Agreement. (Senators Barefoot, J. Jackson, Chaudhuri)

Senator Barefoot presented an amendment for Senate Bill 449. Senator Don Davis made a motion to approve the amendment. The motion was approved. Senator Barefoot presented the bill to the committee members. Members of the committee were given the opportunity to ask questions and comment on the bill. Senator Curtis made a motion for favorable to the bill as amended, rolled into a proposed committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill. The motion was approved.

SB 521: UNC/Equal Opportunity Officer. (Senators Curtis, Brown, McInnis)

Senator Curtis presented an amendment for Senate Bill 521. Senator Robinson made a motion to approve the amendment. The motion was approved. Senator Curtis presented on the amended bill. Members of the committee were given the opportunity to ask questions and comment on the bill. Senator Tarte made a motion for favorable to the bill as amended, rolled into a proposed



committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill. The motion was approved.

SB 420: CC Bd. of Trustees/Governance. (Senators Curtis, Barefoot)

Senate Bill 420 was held over to the next education committee meeting.

SB 335: Study/Fair Treatment of College Athletes. (Senators Daniel, Bishop, Tarte)

Senator Daniel presented Senate Bill 335.

Members of the committee were given the opportunity to ask questions and discuss the bill.

Senator Robinson made a motion for a favorable report. The motion was approved.

SB 531: School Boards Can't Sue Counties. (Senators Tucker, Rabon)

Senator Tucker presented Senate Bill 531.

Members of the committee were given the opportunity to ask questions and comment on the bill.

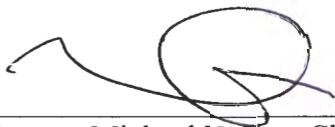
Bruce Mildwurf, NC School Boards Association, spoke on the bill and asked for the bill to be

held until the Program Evaluation Report was completed. Members of the committee made

further comments and asked questions on the bill. Senator Rabin moved for a favorable report.

The motion was approved.

The meeting adjourned at 12:57 PM.



Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk

Principal Clerk _____

Reading Clerk _____

Corrected #2: Senate Bills 335 and 531 have been added.

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on Education/Higher Education will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 25, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>SB 468</u>	QZAB Use Modification.	Senator Brown
<u>SB 408</u>	NC Truth in Education.	Senator Curtis
		Senator McInnis
<u>SB 449</u>	Early Ed Articulation Agreement.	Senator Barefoot
		Senator J. Jackson
		Senator Chaudhuri
<u>SB 521</u>	UNC/Equal Opportunity Officer.	Senator Curtis
		Senator Brown
		Senator McInnis
<u>SB 420</u>	CC Bd. of Trustees/Governance.	Senator Curtis
		Senator Barefoot
<u>SB 335</u>	Study/Fair Treatment of College Athletes.	Senator Daniel
		Senator Bishop
		Senator Tarte
<u>SB 531</u>	School Boards Can't Sue Counties.	Senator Tucker
		Senator Rabon

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Tuesday, April 25, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 468	QZAB Use Modification.	Senator Brown
SB 408	NC Truth in Education.	Senator Curtis
		Senator McInnis
SB 449	Early Ed Articulation Agreement.	Senator Barefoot
		Senator J. Jackson
		Senator Chaudhuri
SB 521	UNC/Equal Opportunity Officer.	Senator Curtis
		Senator Brown
		Senator McInnis
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis
		Senator Barefoot
SB 335	Study/Fair Treatment of College Athletes.	Senator Daniel
		Senator Bishop
		Senator Tarte
SB 531	School Boards Can't Sue Counties.	Senator Tucker
		Senator Rabon

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, April 25, 2017

Senator Lee,

submits the following with recommendations as to passage:

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

SB 449

Early Ed Articulation Agreement.

Draft Number: S449-PCS35300-TC-35
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

SB 521

UNC/Equal Opportunity Officer.

Draft Number: S521-PCS35301-RQ-8
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Senator Chad Barefoot will handle SB 449
Senator David L. Curtis will handle SB 521



* C M R 3 4 8 - V - 1 *

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, April 25, 2017

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

FAVORABLE

SB 335	Study/Fair Treatment of College Athletes. Draft Number: None Sequential Referral: Rules and Operations of the Senate Recommended Referral: None Long Title Amended: No
SB 468	QZAB Use Modification. Draft Number: None Sequential Referral: Finance Recommended Referral: None Long Title Amended: No
SB 531	School Boards Can't Sue Counties. Draft Number: None Sequential Referral: Rules and Operations of the Senate Recommended Referral: None Long Title Amended: No

TOTAL REPORTED: 3

Senator Warren Daniel will handle SB 335
Senator Harry Brown will handle SB 468
Senator Tommy Tucker will handle SB 531



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 531

Short Title: School Boards Can't Sue Counties. (Public)

Sponsors: Senators Tucker, Rabon (Primary Sponsors); Brock, Hise, Horner, Newton, Rabin, and Sanderson.

Referred to: Rules and Operations of the Senate

March 30, 2017

1 A BILL TO BE ENTITLED
2 AN ACT REPEALING THE STATUTORY AUTHORITY FOR A LOCAL BOARD OF
3 EDUCATION TO FILE A LEGAL ACTION CHALLENGING THE SUFFICIENCY OF
4 THE FUNDS APPROPRIATED BY THE BOARD OF COUNTY COMMISSIONERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-431 reads as rewritten:
7 "§ 115C-431. Procedure for resolution of dispute between board of education and board
8 of county commissioners.

9 (a) If the board of education determines that the amount of money appropriated to the
10 local current expense fund, or the capital outlay fund, or both, by the board of county
11 commissioners is not sufficient to support a system of free public schools, the chairman of the
12 board of education and the chairman of the board of county commissioners shall arrange a joint
13 meeting of the two boards to be held within seven days after the day of the county
14 commissioners' decision on the school appropriations.

15 Prior to the joint meeting, the Senior Resident Superior Court Judge shall appoint a
16 mediator unless the boards agree to jointly select a mediator. The mediator shall preside at the
17 joint meeting and shall act as a neutral facilitator of disclosures of factual information,
18 statements of positions and contentions, and efforts to negotiate an agreement settling the
19 boards' differences.

20 At the joint meeting, the entire school budget shall be considered carefully and judiciously,
21 and the two boards shall make a good-faith attempt to resolve the differences that have arisen
22 between them.

23 (b) If no agreement is reached at the joint meeting of the two boards, ~~the mediator shall,~~
24 ~~at the request of either board, commence a mediation immediately or within a reasonable~~
25 ~~period of time. The mediation shall be held in accordance with rules and standards of conduct~~
26 ~~adopted under Chapter 7A of the General Statutes governing mediated settlement conferences~~
27 ~~but modified as appropriate and suitable to the resolution of the particular issues in~~
28 ~~disagreement.~~ the decision of the county commissioners is final. The local board of education
29 shall not file any legal action challenging the sufficiency of the funds appropriated by the board
30 of county commissioners to the local current expense fund, the capital outlay fund, or both.

31 Unless otherwise agreed upon by both boards, ~~the following individuals shall constitute the~~
32 ~~two working groups empowered to represent their respective boards during the mediation:~~

- 33 (1) ~~The chair of each board or the chair's designee;~~
34 (2) ~~The superintendent of the local school administrative unit and the county~~
35 ~~manager or either's designee;~~





1 (3) The finance officer of each board; and

2 (4) The attorney for each board.

3 Members of both boards, their chairs, and representatives shall cooperate with and respond
4 to all reasonable requests of the mediator to participate in the mediation. Notwithstanding
5 Article 33C of Chapter 143 of the General Statutes, the mediation proceedings involving the
6 two working groups shall be conducted in private. Evidence of statements made and conduct
7 occurring in a mediation are not subject to discovery and are inadmissible in any court action.
8 However, no evidence otherwise discoverable is inadmissible merely because it is presented or
9 discussed in a mediation. The mediator shall not be compelled to testify or produce evidence
10 concerning statements made and conduct occurring in a mediation in any civil proceeding for
11 any purpose, except disciplinary hearings before the State Bar or any agency established to
12 enforce standards of conduct for mediators. Reports by members of either working group to
13 their respective boards shall be made in compliance with Article 33C of Chapter 143 of the
14 General Statutes.

15 Unless both boards agree otherwise, or unless the boards have already resolved their
16 dispute, the mediation shall end no later than August 1. The mediator shall have the authority to
17 determine that an impasse exists and to discontinue the mediation. The mediation may continue
18 beyond August 1 provided both boards agree. If both boards agree to continue the mediation
19 beyond August 1, the board of county commissioners shall appropriate to the local school
20 administrative unit for deposit in the local current expense fund a sum of money sufficient to
21 equal the local contribution to this fund for the previous year.

22 If the working groups reach a proposed agreement, the terms and conditions must be
23 approved by each board. If no agreement is reached, the mediator shall announce that fact to
24 the chairs of both boards, the Senior Resident Superior Court Judge, and the public. The
25 mediator shall not disclose any other information about the mediation. The mediator shall not
26 make any recommendations or public statement of findings or conclusions.

27 The local board of education and the board of county commissioners shall share equally the
28 mediator's compensation and expenses. The mediator's compensation shall be determined
29 according to rules adopted under Chapter 7A of the General Statutes.

30 (e) Within five days after an announcement of no agreement by the mediator, the local
31 board of education may file an action in the superior court division of the General Court of
32 Justice. Either board has the right to have the issues of fact tried by a jury. When a jury trial is
33 demanded, the cause shall be set for the first succeeding term of the superior court in the
34 county, and shall take precedence over all other business of the court. However, if the judge
35 presiding certifies to the Chief Justice of the Supreme Court, either before or during the term,
36 that because of the accumulation of other business, the public interest will be best served by not
37 trying the cause at the term next succeeding the filing of the action, the Chief Justice shall
38 immediately call a special term of the superior court for the county, to convene as soon as
39 possible, and assign a judge of the superior court or an emergency judge to hold the court, and
40 the cause shall be tried at this special term. The judge shall find, or if the issue is submitted to
41 the jury, the jury shall find the facts as to the following in order to maintain a system of free
42 public schools as defined by State law and State Board of Education policy: (i) the amount of
43 money legally necessary from all sources and (ii) the amount of money legally necessary from
44 the board of county commissioners. In making the finding, the judge or the jury shall consider
45 the educational goals and policies of the State and the local board of education, the budgetary
46 request of the local board of education, the financial resources of the county and the local board
47 of education, and the fiscal policies of the board of county commissioners and the local board
48 of education.

49 All findings of fact in the superior court, whether found by the judge or a jury, shall be
50 conclusive. When the facts have been found, the court shall give judgment ordering the board
51 of county commissioners to appropriate a sum certain to the local school administrative unit,



1 and to levy such taxes on property as may be necessary to make up this sum when added to
2 other revenues available for the purpose.

3 (d) ~~An appeal may be taken to the appellate division of the General Court of Justice,~~
4 ~~and notice of appeal shall be given in writing within 10 days after entry of the judgment. All~~
5 ~~papers and records relating to the case shall be considered a part of the record on appeal. The~~
6 ~~conclusion of the school or fiscal year shall not be deemed to resolve the question in~~
7 ~~controversy between the parties while an appeal is still pending. Any final judgment shall be~~
8 ~~legally binding on the parties at the conclusion of the appellate process. The payment of any~~
9 ~~final judgment by the county in favor of the local school administrative unit shall not be~~
10 ~~considered, or used in any manner, to deny or reduce appropriations to the local school~~
11 ~~administrative unit by the county in fiscal years subsequent to the one at issue to offset such~~
12 ~~payment of a final judgment.~~

13 (e) ~~If, in an action filed under this section, the final judgment of the General Court of~~
14 ~~Justice is rendered after the due date prescribed by law for property taxes, the board of county~~
15 ~~commissioners is authorized to levy such supplementary taxes as may be required by the~~
16 ~~judgment, notwithstanding any other provisions of law with respect to the time for doing acts~~
17 ~~necessary to a property tax levy. Upon making a supplementary levy under this subsection, the~~
18 ~~board of county commissioners shall designate the person who is to compute and prepare the~~
19 ~~supplementary tax receipts and records for all such taxes. Upon delivering the supplementary~~
20 ~~tax receipts to the tax collector, the board of county commissioners shall proceed as provided in~~
21 ~~G.S. 105-321.~~

22 ~~The due date of supplementary taxes levied under this subsection is the date of the levy, and~~
23 ~~the taxes may be paid at par or face amount at any time before the one hundred and twentieth~~
24 ~~day after the due date. On or after the one hundred and twentieth day and before the one~~
25 ~~hundred and fiftieth day from the due date there shall be added to the taxes interest at the rate~~
26 ~~of two percent (2%). On or after the one hundred and fiftieth day from the due date, there shall~~
27 ~~be added to the taxes, in addition to the two percent (2%) provided above, interest at the rate of~~
28 ~~three fourths of one percent (3/4 of 1%) per 30 days or fraction thereof until the taxes plus~~
29 ~~interest have been paid. No discounts for prepayment of supplementary taxes levied under this~~
30 ~~subsection shall be allowed."~~

31 **SECTION 2.** G.S. 115C-432(a) reads as rewritten:

32 "(a) After the board of county commissioners has made its appropriations to the local
33 school administrative unit, or after the appeal procedure set out in G.S. 115C-431 has been
34 concluded, the board of education shall adopt a budget resolution making appropriations for the
35 budget year in such sums as the board may deem sufficient and proper. The budget resolution
36 shall conform to the uniform budget format established by the State Board of Education."

37 **SECTION 3.** This act is effective when it becomes law and applies beginning with
38 budget ordinances adopted on or after that date.



SENATE BILL 468: QZAB Use Modification.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 25, 2017
Introduced by:	Sen. Brown	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 468 would make modifications to the conditions for the award of the State's allocation of Qualified Zone Academy Bonds (QZABs).*

CURRENT LAW: In 1997, Congress created the qualified zone academy bonds (QZABS) to allow qualifying schools to raise funds for: (i) the rehabilitating or repairing the public school facility in which the academy is established; (ii) providing equipment for use at such academy; (iii) developing course materials for education to be provided at such academy; and (iv) training teachers and other school personnel in such academy. 26 U.S.C. 54E. The State Board of Education (SBE) is designated as the State agency in North Carolina for administering the QZAB program. As a result, the SBE must define the areas and schools eligible under federal law to participate; design an application process to solicit proposals; determine the eligibility of an applicant; and award the State's allocation of funds; establish the conditions of the use of the funds; and confirm that the terms of any QZAB bonds issued are consistent with federal law.

G.S. 115C-489.6(a) specifically provides that among the conditions established by the SBE, the following must be included: (i) requiring that the bond proceeds only be used for the rehabilitation or repairing of the public school facility including wiring and other infrastructure improvements related to technology and related equipment.

BILL ANALYSIS: Senate Bill 468 would provide that the conditions established by the SBE for the uses of a QZAB allocation must be for the purposes listed in 26 U.S.C. 54E (listed above) and prioritized so that the QZAB funds are first used in counties determined to have greater economic distress under G.S. 143B-437.08 (Tier 1 counties). The SBE must establish an application process and require any information needed to allow the SBE to accomplish the prioritization and efficient use of the bond proceeds.

EFFECTIVE DATE: the bill is effective when it becomes law and applies to bond proceeds used on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 468

Short Title: QZAB Use Modification.

(Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE USES FOR QUALIFIED ZONE ACADEMY BONDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-489.6(a) reads as rewritten:

"(a) QZAB Program. – The State Board of Education is designated the State education agency responsible for administering the qualified zone academy bond program in North Carolina for the purposes of 26 U.S.C. § 54E. The State Board of Education shall perform all activities required to implement and carry out the qualified zone activity bond program in North Carolina. Those activities include:

...

(4) Awarding the State's allocation of total funds among selected applicants and establishing conditions upon the usage of the allocation. These conditions must include:

- a. ~~Requiring~~ Ensuring that the bond proceeds be (i) used only for ~~rehabilitating or repairing the public school facility in which the qualified zone academy is located, which may include (i) wiring and other infrastructure improvements related to providing technology and (ii) equipment related to the rehabilitation or repair, but not personal computers or similar technology equipment for purposes listed in 26 U.S.C. § 54E and (ii) prioritized so as to be used first in counties determined to have greater economic distress, as determined pursuant to G.S. 143B-437.08. The State Board of Education shall establish an application process and require any information necessary to enable the Board to accomplish the prioritization and efficient use of the bond proceeds in accordance with this subdivision.~~
- b. Conditions designed to assure that the allocation is used in a timely manner.

...."

SECTION 2. This act is effective when it becomes law and applies to bond proceeds used on or after that date.







SENATE BILL 408: NC Truth in Education.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 25, 2017
Introduced by:	Sens. Curtis, McInnis	Prepared by:	Kara McCraw
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *SB 408 would require constituent institutions of The University of North Carolina and private institution of higher education where students who receive State financial aid to provide information related to employment rates, student loan repayment and default rates, and other similar information of prior graduating classes to prospective students and students selecting majors.*

BILL ANALYSIS: SB 408 would create the following new requirements for constituent institutions of The University of North Carolina and private institution of higher education where students who receive State financial aid. Those institutions would have to provide information to students after receipt of application or major selection on prior graduating classes of the institution as follows:

- Default rate and repayment rate of student loans for undergraduates.
- Four year and six year graduation rates of undergraduates.
- Employment and unemployment rates generally and by majors for students who earn a baccalaureate degree.
- Median and mean starting salary for students graduating with a baccalaureate degree; also, median and mean salary for students five years after graduation with a baccalaureate degree.
- Graduate school acceptance rates.
- MCAT scores and GRE scores of graduates accepted by the institution.
- Average time to earn a baccalaureate degree.

Applicants accepted and students selecting majors who received the information must sign and return the received information in order to enroll and receive credit for major coursework. The University of North Carolina General Administration would develop a uniform format for providing the information ensure that each constituent institution complies with these requirements.

EFFECTIVE DATE: SB 408 would become effective when it becomes law, and the notice requirements would apply beginning with students applying as undergraduates or graduate students for the 2018 fall academic semester and to students who declare a major for the 2018 fall academic semester.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 408

Short Title: NC Truth in Education.

(Public)

Sponsors: Senators Curtis, McInnis (Primary Sponsors); Rabin and Smith-Ingram.

Referred to: Rules and Operations of the Senate

March 29, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE EACH CONSTITUENT INSTITUTION TO COMPILE AND
3 PROVIDE CERTAIN INFORMATION TO STUDENTS WHO APPLY FOR
4 ADMISSION AT THE CONSTITUENT INSTITUTION THAT MAY BE HELPFUL TO
5 STUDENTS IN SELECTING AN INSTITUTION OF HIGHER EDUCATION TO
6 ATTEND AND IN MAKING CAREER CHOICES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Part 3 of Article 1 of Chapter 116 of the General Statutes is amended
9 by adding a new section to read:

10 **"§ 116-40.15. Duty to provide certain information to students applying for admission or**
11 **enrolled at a constituent institution regarding the employment rates, student**
12 **loan repayment and default rates, and other similar information of prior**
13 **graduating classes.**

14 (a) Each constituent institution shall compile the information listed in this subsection
15 and provide that information as required by subsection (b) of this section to students applying
16 as undergraduates or graduate students at the institution. Each constituent institution shall
17 compile annually all of the following information regarding prior graduation classes of the
18 institution:

- 19 (1) Default rate and repayment rate of student loans for undergraduates.
20 (2) Four-year and six-year graduation rates of undergraduates.
21 (3) Employment and unemployment rates generally and by majors for students
22 who earn a baccalaureate degree.
23 (4) Median and mean starting salary for students graduating with a
24 baccalaureate degree; also, median and mean salary for students five years
25 after graduation with a baccalaureate degree.
26 (5) Graduate school acceptance rates.
27 (6) MCAT scores and GRE scores of graduates accepted by the institution.
28 (7) Average time to earn a baccalaureate degree.

29 (b) Each constituent institution shall provide the information set out in subsection (a) of
30 this section to each student applying for admission to the institution as an undergraduate or as a
31 graduate student and to each undergraduate student when the student declares a major as
32 follows:

- 33 (1) The institution shall send each student applying as an undergraduate at the
34 institution a letter that provides the information set out in subsection (a) of
35 this section. The letter shall be sent no later than five days after the student
36 has completed the application. The student, and the student's parent if the



1 student is a minor, shall sign the letter and return it to the constituent
2 institution when the student notifies the institution that the student intends to
3 enroll at the institution. The student shall not be allowed to register for
4 classes until the institution receives the signed letter.

5 (2) When a student declares a major, the institution shall send a letter to the
6 student with the information set out in subsection (a) of this section that is
7 relevant to the student's major. The student shall sign the letter and return it
8 to the institution. The student shall not be allowed to receive credit for
9 classes taken toward the student's major until the signed letter has been
10 returned to the institution.

11 (3) The institution shall send a letter with the information set out in subsection
12 (a) of this section to each student applying as a graduate student at the
13 institution. The letter shall be sent no later than five days after the student
14 has completed the application. The student shall sign the letter and return it
15 to the institution when the student notifies the institution that the student
16 intends to enroll at the institution. The student shall not be allowed to
17 register for classes until the institution receives the signed letter.

18 (c) The University of North Carolina General Administration shall develop a uniform
19 format for providing the information required by this section that shall be used by each
20 constituent institution. The University of North Carolina General Administration shall also
21 ensure that each constituent institution complies with this section.

22 (d) This section does not apply to the constituent institutions that are high schools."

23 **SECTION 2.** Chapter 116 of the General Statutes is amended by adding a new
24 Article to read:

25 "Article 27B.

26 "Duty to Provide Information Regarding Employment, Student Loan Repayments, and Other
27 Similar Information to Students.

28 "**§ 116-229.30. Duty to provide certain information to students regarding the employment**
29 **rates, student loan repayment and default rates, and other similar information**
30 **of prior graduating classes.**

31 Any private institution of higher education where students who receive State financial aid
32 are enrolled shall compile the information listed in G.S. 116-40.15(a) annually and provide that
33 information to all students applying as undergraduates or graduate students at the institution
34 and to each undergraduate student at the time the student declares a major in the same manner
35 as provided by G.S. 116-40.15."

36 **SECTION 3.** This act is effective when it becomes law. Sections 1 and 2 apply to
37 students applying as undergraduates or graduate students for the 2018 fall academic semester,
38 to students who declare a major for the 2018 fall academic semester, and to students in those
39 categories each subsequent academic semester.



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 408**

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

S408-ATC-45 [v.2]

Page 1 of 2

Amends Title [NO]
First Edition

Date _____, 2017

Senator Curtis

1 moves to amend the bill on page 1, line 29, through page 2, line 21, by rewriting those lines to
2 read:

3
4
5
6
7 "(b) Each constituent institution shall provide the information set out in subsection (a) of
8 this section to each student applying for admission to the institution as an undergraduate or as a
9 graduate student and to each undergraduate student when the student declares a major as
10 follows:

- 11 (1) The institution shall send each student applying as an undergraduate at the
12 institution a letter that provides the information set out in subsection (a) of
13 this section. The letter shall be sent no later than five days after the student
14 has completed the application.
15 (2) When a student declares a major, the institution shall send a letter to the
16 student with the information set out in subsection (a) of this section that is
17 relevant to the student's major.
18 (3) The institution shall send a letter with the information set out in subsection
19 (a) of this section to each student applying as a graduate student at the
20 institution. The letter shall be sent no later than five days after the student
21 has completed the application.

22 (c) The University of North Carolina General Administration shall develop a uniform
23 format for providing the information required by this section that shall be used by each
24 constituent institution. The uniform format may provide for electronic transmission of the
25 required information. The University of North Carolina General Administration shall also
26 ensure that each constituent institution complies with this section."
27
28
29
30
31
32



* S 4 0 8 - A T C - 4 5 - V - 2 *

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 408**

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

S408-ATC-45 [v.2]

Page 2 of 2

1 and on page 2, lines 23-39, by rewriting those lines to read:
2
3

4 "SECTION 2. This act is effective when it becomes law, and applies to students
5 applying as undergraduates or graduate students for the 2018 fall academic semester, to
6 students who declare a major for the 2018 fall academic semester, and to students in those
7 categories each subsequent academic semester."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 335

Short Title: Study/Fair Treatment of College Athletes. (Public)

Sponsors: Senators Daniel, Bishop, Tarte (Primary Sponsors); Hise, Krawiec, Rabin, Randleman, Robinson, Sanderson, and Smith-Ingram.

Referred to: Rules and Operations of the Senate

March 22, 2017

A BILL TO BE ENTITLED
AN ACT TO CREATE THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF
COLLEGE STUDENT-ATHLETES.

Whereas, college athletics is a multimillion dollar industry across the United States; and

Whereas, college athletics in North Carolina is a major economic and entertainment resource through which the State, local governments, the business community, and public educational institutions financially benefit; and

Whereas, most of the constituent institutions of The University of North Carolina participate in athletic competitions in North Carolina and around the country in a wide range of sports; and

Whereas, these athletic teams at each constituent institution are comprised of individually enrolled full-time students; and

Whereas, these students, participating on athletic teams provided as extracurricular activities for them, are enrolled for the primary purpose of receiving a college education subsidized in part by the taxpayers of North Carolina; and

Whereas, while receiving the benefits of playing competitive collegiate sports and in some cases financial assistance for the cost of attending college, these students in return commit a substantial amount of time, talent, and resources for the benefit (both financially and promotionally) of the institutions they compete for as well as organizations and businesses profiting from their athletic competition; and

Whereas, numerous issues and court cases have arisen around the country and in North Carolina pertaining to the system of college athletics, its governance, and control by membership organizations, including, but not limited to, the National Collegiate Athletic Association, and to concerns over the welfare and operation of the system to the long-term detriment of the students participating in college athletics; and

Whereas, the General Assembly of North Carolina has a responsibility to the young men and women enrolled in the State institutions of higher learning within the University of North Carolina System to ensure fairness and equal opportunity in all aspects of their experience but in particular while participating in athletic activities for these institutions and to take appropriate legislative action where needed to ensure fairness and equal opportunity; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1.(a) The Legislative Commission on the Fair Treatment of College Student-Athletes is created. The purpose of the Commission is to examine the needs and concerns of college students participating in athletics on behalf of the constituent institutions of The



University of North Carolina and to propose appropriate legislation where needed to implement the objectives of this Commission.

SECTION 1.(b) The Commission shall consist of six members of the Senate, appointed by the President Pro Tempore of the Senate with political parties represented in proportion to the legislative makeup, and six members of the House of Representatives, appointed by the Speaker of the House of Representatives with political parties represented in proportion to the legislative makeup.

Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

SECTION 1.(c) The Lieutenant Governor shall be an ex officio voting member and shall also serve as the chair of the Commission. The Commission shall meet upon the call of the chair.

SECTION 1.(d) A quorum shall be a majority of the Commission members.

SECTION 2. The Commission shall study issues related to the provision of health insurance, sports injuries and nonsports injuries, unionization, and profit-sharing for student athletes. In its study, the Commission shall consider all of the following:

- (1) Physical and mental health and safety concerns arising out of participation in athletic competition or resulting from injuries sustained during athletic competition, including, but not limited to, concussions and other life-impacting injuries.
- (2) Long-term physical and mental health and wellness issues grounded in participation in athletic competition but not manifesting until later in an athlete's life, and the ability of former athletes to receive adequate long-term treatment for these issues.
- (3) The need for full-time enrolled college students to have adequate time to devote to educational responsibilities separate and apart from time demands for athletic competition.
- (4) Educational opportunities for choosing majors and classes consistent with the nonathletic participating students' opportunities at a constituent institution, including, but not limited to, academic choices and extracurricular abilities to participate in internships and study abroad.
- (5) The right to receive academic instruction from qualified faculty members at the constituent institutions and to be taught at an academic level consistent with the standards of accredited higher education institutions.
- (6) The right to a fair and impartial hearing and the right to be independently represented before being disciplined for alleged eligibility rules violations by any school, conference, or membership association governing participation in college athletics.
- (7) In exchange for his or her participation on behalf of any constituent institution, a fair and adequate financial aid or scholarship assistance package to the extent financial aid or scholarship sources are provided to selected students in exchange for their participation on institutional athletic teams.
- (8) Consideration of remuneration or profit-sharing for student athletes for the use by institutional or commercial entities of the students' image, or other identifiable source, such as television rights or collegiate apparel that produce commercial profit for the institutions, membership associations, or commercial entities.
- (9) The right of students participating in college athletics to be adequately represented by attorneys, agents, or financial advisors throughout their college careers (as do all other students) without being subject to losing their eligibility to participate in college athletics.



- 1 (10) A review of regulatory rules and punishments imposed on student athletes by
2 any governing membership organization, including, but not limited to, the
3 National Collegiate Athletic Association, that limits a student's ability to
4 transfer between schools, or participate on college athletic teams by restricting
5 the student's ability to engage in outside work or compensatory services.
6 (11) The obligation of the university to provide the means for a student-athlete to
7 finish their academic requirements to obtain an undergraduate degree after their
8 athletic eligibility or athletic scholarship has expired.
9 (12) Any other issue the Commission deems relevant based on testimony or
10 evidence presented to the Commission.

11 **SECTION 3.** The Commission, while in the discharge of its official duties, may
12 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
13 Commission may meet in the Legislative Building or the Legislative Office Building. Members of
14 the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1
15 or G.S. 138-6 as appropriate.

16 The Legislative Services Commission, through the Legislative Services Officer, shall
17 assign professional staff to assist the Commission in its work. The Senate shall assign clerical staff
18 to the Commission, and the expenses relating to the clerical employees shall be borne by the
19 Commission. The Commission may contract for professional, clerical, or consultant services, as
20 provided by G.S. 120-32.02.

21 **SECTION 4.** The Commission shall submit an interim report on the results of its
22 study, including any proposed legislation, by December 1, 2017, to the members of the Senate and
23 the House of Representatives by filing a copy of the report with the Office of the President Pro
24 Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the
25 Legislative Library. The Commission shall submit a final report on the results of its study,
26 including any proposed legislation, by April 1, 2018, to the members of the Senate and the House
27 of Representatives, by filing a copy of the report with the Office of the President Pro Tempore of
28 the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library.
29 The Commission shall terminate upon the convening of the 2019 General Assembly or upon the
30 filing of its final report, whichever occurs first.

31 **SECTION 5.** This act becomes effective July 1, 2017.





SENATE BILL 449: Early Ed Articulation Agreement.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 25, 2017
Introduced by:	Sens. Barefoot, J. Jackson, Chaudhuri	Prepared by:	Kara McCraw
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *SB 449 would require development of an articulation agreement between The University of North Carolina and Community College System in early childhood education programs.*

BILL ANALYSIS: By March 1, 2018, the Board of Governors of The University of North Carolina (BOG) and the State Board of Community Colleges (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: SB 449 would become effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 449

Short Title: Early Ed Articulation Agreement. (Public)

Sponsors: Senators Barefoot, J. Jackson, Chaudhuri (Primary Sponsors); Smith-Ingram, Van Duyn, and Waddell.

Referred to: Rules and Operations of the Senate

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF COMMUNITY COLLEGES AND THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP AND IMPLEMENT A SYSTEMWIDE ARTICULATION AGREEMENT FOR THE TRANSFER OF CREDIT FROM A COMMUNITY COLLEGE EARLY CHILDHOOD EDUCATION PROGRAM TO A UNIVERSITY OF NORTH CAROLINA CONSTITUENT INSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. 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 early education. 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. 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 3. This act is effective when it becomes law.







**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 449**

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

S449-ATC-37 [v.2]

Page 1 of 1

Amends Title [NO]
First Edition

Date _____, 2017

Senator Barefoot

- 1 moves to amend the bill on page 1, line 14, by deleting the phrase "early education." and
- 2 substituting the phrase "Birth through Kindergarten." in its place.

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* S 4 4 9 - A T C - 3 7 - V - 2 *



SENATE BILL 521: UNC/Equal Opportunity Officer.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 25, 2017
Introduced by:	Sens. Curtis, Brown, McInnis	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 521 would direct the Board of Governors of The University of North Carolina (BOG) to review and evaluate the equal opportunity policies adopted by, and services offered by, each constituent institution. The BOG would work with the constituent institutions to develop plans to consolidate the equal opportunity services offered by each campus.*

BILL ANALYSIS: Senate Bill 521 directs the BOG to review and evaluate the equal opportunity policies adopted by each constituent institution, the implementation of those policies, and the services provided on each campus. Each campus must identify all staff positions on campus that include as a part of the job duties any responsibility for the implementation, administration, or enforcement of policies that are to promote equal opportunity, diversity, or inclusiveness. The campuses must show how the positions and offered services fit within the organizational structure of the campus and indicate the direct and indirect costs related to the staff positions and services provided by those staff positions.

Bases on its review, the BOG must establish policies that require each constituent institution to develop an equal opportunity plan that consolidates all equal opportunity services offered on campus into a single office headed by an equal employment officer designated by the chancellor. The new office must identify measurable goals to ensure equal opportunity and inclusiveness at each campus and provide quantification of all costs incurred in the campus's efforts to promote equal opportunity, inclusiveness, diversity, or nondiscrimination. Each office may have up to 5 staff positions, including the equal employment officer. Each campus must develop a compliance plan for the new BOG policies and submit the plan for review by the BOG. Once the plan is approved by the BOG, the campus must implement it and then submit an annual report on the number of personnel involved in the institution's equal opportunity efforts, progress made in meeting the stated goals of the campus, and costs associated with the equal opportunity plan.

Section 3 of the bill directs the BOG to review policies on the funding of student organizations from mandatory fees and any other State funds. All constituent institutions must continue to have policies that recognize student organizations that select members and leaders based on the commitment to a set of beliefs. These policies must also provide that the organizations can limit membership and participation in the group to those students who affirm that they support the group's goals and beliefs. The bill states that no constituent institution can use, or allow to be used, State funds or receipts derived from mandatory student fees to support such student organizations. Non-State funds can be accepted by these organizations.

EFFECTIVE DATE: The bill is effective when it becomes law. Section 3 of the bill applies beginning with the 2017 fall academic semester.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 521

Short Title: UNC/Equal Opportunity Officer. (Public)

Sponsors: Senators Curtis, Brown, and McInnis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW AND EVALUATE THE EQUAL OPPORTUNITY POLICIES ADOPTED BY, AND SERVICES OFFERED BY, EACH CONSTITUENT INSTITUTION AND TO WORK WITH THE CONSTITUENT INSTITUTIONS TO DEVELOP A MORE EFFECTIVE AND EFFICIENT PLAN THAT CONSOLIDATES THE EQUAL OPPORTUNITY SERVICES OFFERED BY EACH CAMPUS.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds that The University of North Carolina provides important educational opportunities to citizens of the State and to others so that they may improve life for themselves, their families, and their communities. It is therefore important that The University of North Carolina provide equal opportunity to all without discrimination based upon race, creed, color, sex, national origin, political affiliation, or any other improper characteristic. The General Assembly also finds that, while university officials throughout the State and nation have established numerous positions to promote equal opportunity and inclusiveness, there is not sufficient transparency, coordination, or accountability to assure the public that such positions are in fact advancing equality. Further, the General Assembly finds that the expenditure of State funds for student groups should reflect the goal of equal opportunity and nondiscrimination to ensure access to all.

SECTION 2. To ensure equality of opportunity regarding admission to, employment by, and promotion in The University of North Carolina and all of its constituent institutions, the Board of Governors of The University of North Carolina shall review and evaluate the equal opportunity policies, which include the policies related to diversity and nondiscrimination, adopted by each constituent institution, the implementation of those policies on each campus, and the services provided on each campus in order to evaluate the transparency and effectiveness of those policies. As part of its review, the Board of Governors shall direct each constituent institution to identify all staff positions on campus that include as part of the job duties any responsibility for the implementation, administration, or enforcement of policies intended to promote equal opportunity, diversity, or inclusiveness; indicate how those staff positions and the services offered through those positions fit within the organizational structure of the constituent institution; and indicate the direct and indirect costs related to those staff positions and services provided by those staff positions.

Based upon its review and evaluation, the Board of Governors shall establish policies that require each constituent institution to develop an equal opportunity plan that consolidates all equal opportunity services offered on campus into a single office headed by an equal employment officer designated by the Chancellor, identifies measurable goals to ensure



1 equal opportunity and inclusiveness within each institution, and requires quantification of all
2 costs incurred in the university's efforts to promote equal opportunity, inclusiveness, diversity,
3 or nondiscrimination. Each campus's equal opportunity office may have up to five staff
4 positions, including the equal employment officer. Each constituent institution shall develop a
5 plan outlining steps it will take to comply with the new Board of Governors policies and submit
6 the plan for review by the Board of Governors no later than three months after adoption by the
7 Board of Governors of its policies issued pursuant to this act. The constituent institution shall
8 begin implementation of the plan upon its approval by the Board of Governors. The Chancellor
9 of each constituent institution shall report annually to the Board of Governors on the number of
10 personnel involved in the institution's equal opportunity efforts, progress made in meeting the
11 institution's stated goals, and the costs associated with the institution's equal opportunity plan.

12 **SECTION 3.** The Board of Governors of The University of North Carolina shall
13 also review policies regarding the funding of student organizations from mandatory student
14 fees and any other State funds. All constituent institutions have adopted policies and shall
15 continue to have policies that recognize student organizations that select their members or
16 leaders on the basis of commitment to a set of beliefs, such as religious or political beliefs.
17 Those policies also provide that these organizations may limit membership and participation in
18 the group to those students who, upon individual inquiry, affirm that they support the group's
19 goals and agree with its beliefs. However, no constituent institution shall use, or allow to be
20 used, State funds or receipts derived from mandatory student fees to support such student
21 organizations. These organizations may accept non-State funds for their support.

22 **SECTION 4.** This act is effective when it becomes law. Section 3 of this act
23 applies beginning with the 2017 fall academic semester.



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 521**

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

S521-ARQ-11 [v.1]

Page 1 of 2

Amends Title [YES]
First Edition

Date _____, 2017

Senator Curtis

1 moves to amend the bill on page 1, line 2, through page 2, line 23 by deleting those lines and
2 substituting the following:
3
4

5 "AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
6 NORTH CAROLINA TO STUDY THE EQUAL OPPORTUNITY POLICIES ADOPTED
7 BY, AND SERVICES OFFERED BY, EACH CONSTITUENT INSTITUTION AND
8 HOW THE CONSTITUENT INSTITUTIONS MAY BECOME MORE EFFECTIVE AND
9 EFFICIENT THROUGH POSSIBLE CONSOLIDATIONS OF THE EQUAL
10 OPPORTUNITY SERVICES OFFERED BY EACH CAMPUS.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** The General Assembly finds that The University of North Carolina
13 provides important educational opportunities to citizens of the State and to others so that they
14 may improve life for themselves, their families, and their communities. It is therefore important
15 that The University of North Carolina provide equal opportunity to all without discrimination
16 based upon race, creed, color, sex, national origin, political affiliation, or any other improper
17 characteristic. The General Assembly also finds that, while university officials throughout the
18 State and nation have established numerous positions to promote equal opportunity and
19 inclusiveness, there is not sufficient transparency, coordination, or accountability to assure the
20 public that such positions are in fact advancing equality. Further, the General Assembly finds
21 that the expenditure of State funds for student groups should reflect the goal of equal
22 opportunity and nondiscrimination to ensure access to all.

23 **SECTION 2.** The Board of Governors of The University of North Carolina shall
24 study the equal opportunity policies, which include the policies related to diversity and
25 nondiscrimination, adopted by each constituent institution, the implementation of those policies
26 on each campus, and the services provided on each campus. In conducting the study, the Board
27 of Governors shall review and evaluate the equal opportunity policies with a particular focus on
28 transparency and effectiveness of the policies.

29 As part of the study, the Board of Governors shall direct each constituent institution
30 to identify all staff positions on campus that include as part of the job duties any responsibility
31 for the implementation, administration, or enforcement of policies intended to promote equal
32 opportunity, diversity, or inclusiveness; indicate how those staff positions and the services



* S 5 2 1 - A R Q - 1 1 - V - 1 *

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 521**

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

S521-ARQ-11 [v.1]

Page 2 of 2

1 offered through those positions fit within the organizational structure of the constituent
2 institution; and indicate the direct and indirect costs related to those staff positions and services
3 provided by those staff positions. This information shall include the number of part-time and
4 full-time employees in these staff positions by each individual campus, descriptions of job
5 duties of each of these employees and the total costs of the positions.

6 The study shall also consider the feasibility of developing equal opportunity plans at
7 each constituent institution that consolidate all equal opportunity services offered at each
8 constituent institution into a single office headed by an equal employment officer designated by
9 the Chancellor in order to promote effectiveness and efficiency.

10 **SECTION 3.** The Board of Governors of The University of North Carolina shall
11 submit the report, including its findings and recommendations and policy changes, to the Joint
12 Legislative Education Oversight Committee by January 1, 2018. The Board of Governors shall
13 approve the report prior to the submission to the Joint Legislative Education Oversight
14 Committee.

15 **SECTION 4.** This act is effective when it becomes law."
16
17

SIGNED O. J. C.
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 420

Short Title: CC Bd. of Trustees/Governance.

(Public)

Sponsors: Senators Curtis and Barefoot (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CIRCUMSTANCES IN WHICH THE STATE BOARD OF
COMMUNITY COLLEGES MAY APPOINT AN INTERIM BOARD OF TRUSTEES TO
ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO REQUIRE
THAT A BOARD OF TRUSTEES MEET AT LEAST ONCE EVERY TWO MONTHS;
AND TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO
REQUIRE FINANCIAL AUDITS IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

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

"§ 115D-6.5. Notice of noncompliance; appointment of an interim board of trustees.

(a) Notice. – The State Board of Community Colleges is responsible for assuring that boards of trustees of the community colleges comply with applicable State laws, rules, and sound fiscal and management practices. In addition to any actions taken by the State Board under G.S. 115D-6(3), if the State Board finds that a board of trustees of a community college has willfully, or as a result of gross negligence, failed to or refused to comply with applicable State laws, rules, and sound fiscal and management practices, the State Board may issue a written notice to the board of trustees of its findings and direct the board of trustees to take remedial action immediately to address those findings upon receipt of the notice.

(b) Resolution. – If, after receipt of the notice issued under subsection (a) of this section, a board of trustees willfully, or as a result of gross negligence, persists in refusing or failing to comply with the State laws, rules, or sound fiscal and management practices identified in the notice, the State Board of Community Colleges may adopt a resolution, upon approval of at least two-thirds of the members of the State Board attending the meeting in which the resolution is considered, to vacate the terms of the board of trustees and appoint an interim board of trustees to assume the duties and responsibilities of that board of trustees. Prior to adopting the resolution, the State Board shall consult with the appointing authorities of the board of trustees and representatives of the North Carolina Association of Community College Trustees and the North Carolina Association of Community College Presidents regarding the proposed resolution. The State Board shall only exercise this authority as an extraordinary remedy utilized in the most extreme circumstances.

(c) Interim Board Assumption of Powers and Duties. – The adoption of the resolution under this section shall have the effect of vacating the terms of all of the members serving on the board of trustees. Notwithstanding G.S. 115D-12, the State Board of Community Colleges shall appoint an interim five-member board of trustees for a period not to exceed 12 months. To preserve local autonomy, the appointing authorities of the local administrative area of the



1 community college under G.S. 115D-12 shall make recommendations to the State Board on the
2 appointment of the members to the interim board of trustees. At the end of the period of service
3 of the interim board of trustees, a board of trustees for the community college shall be
4 appointed in accordance with G.S. 115D-12. Initial terms of members of the new board of
5 trustees shall be staggered to align with the remainder of the vacated terms of the members of
6 the board of trustees.

7 (d) Notice to the General Assembly. – Within 60 days of the adoption of the resolution
8 under this section, the State Board shall report to the General Assembly in accordance with
9 G.S. 120-29.5 on the adoption of the resolution, the interim board of trustees appointed by the
10 State Board, and any legislative recommendations necessary in regard to the future governance
11 of the community college.

12 (e) State Board Policy. – The State Board of Community Colleges shall adopt any
13 policies necessary to implement the provisions of this section."

14 **SECTION 2.** G.S. 115D-18 reads as rewritten:

15 **"§ 115D-18. Organization of boards; meetings.**

16 At the first meeting after its selection, each board of trustees shall elect from its
17 membership a ~~chairman, chair~~, who shall preside at all board meetings, and a ~~vice-chairman,~~
18 vice-chair, who shall preside in the absence of the ~~chairman-chair~~. The trustees shall also elect a
19 secretary, who may be a trustee, to keep the minutes of all board meetings. All three officers of
20 the board shall be elected for a period of one year but shall be eligible for reelection by the
21 board.

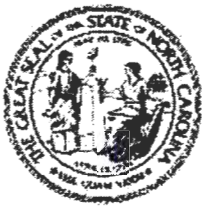
22 Each board of trustees shall meet as often as may be necessary for the conduct of the
23 business of the institution but shall meet at least once every ~~three~~ two months. Meetings may be
24 called by the ~~chairman-chair~~ of the board, a majority of the trustees, or the chief administrative
25 officer of the institution."

26 **SECTION 3.** G.S. 115D-58.16(a) reads as rewritten:

27 "(a) Each community college shall be subject to a financial audit a minimum of once
28 every two years. Community colleges may use State funds to contract with the State Auditor or
29 with a certified public accountant to perform the audits. The colleges shall submit the results of
30 the audits to the State Board of Community Colleges. The State Board of Community Colleges
31 may require a community college to be audited annually after the community college has two
32 consecutive financial audits with findings.

33 The State Board of Community Colleges shall ensure that all colleges are audited in
34 accordance with this section."

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



SENATE BILL 420: CC Bd. of Trustees/Governance.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 24, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Curtis, Barefoot	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 420 would (i) allow the State Board of Community Colleges (SBCC) appoint an interim board of trustees to assume the powers and duties of a board of trustees of a local community college in certain instances; (ii) require that the boards of trustees of local community colleges meet at least once every 2 months; and (iii) authorize the SBCC to require financial audits in certain cases.*

SECTION 1

CURRENT LAW: G.S. 115D-12 establishes the local boards of trustees for community colleges. There are thirteen members on each board, including the president of the student body as an ex officio member. Of the remaining twelve members, they are appointed in groups of four respectively by the following entities: (i) the board(s) of education of the local school administrative unit(s) located in the administrative area of the institution; (ii) the board(s) of commissioners of the county or counties in the administrative area of the institution; and (iii) the Governor. Under G.S. 115D-6, the SBCC can withdraw or withhold State financial and administrative support of a local community colleges if any of the following occur:

- The required local financial support of an institution is not provided.
- Sufficient State funds are not available.
- The officials of an institution refuse or are unable to maintain prescribed standards of administration or instruction.
- Local educational needs for such an institution cease to exist.

BILL ANALYSIS: The bill would establish a procedure by which the SBCC can provide a notice of noncompliance to a local board of trustees and appoint an interim board of trustees when the SBCC finds that a local board of trustees has willfully or as a result of gross negligence failed to or refused to comply with applicable State laws and rules and sound fiscal and management practices.

Notice – If the SBCC finds that a local board of trustees has willfully or as result of gross negligence failed to or refused to comply with applicable State laws and rules and sound fiscal and management practices, the SBCC may issue a written notice to the board of trustees of these findings and direct the local board to take immediate remedial action to address the issues.

Resolution – If, after receipt of this notice, a board of trustees continues to willfully or as a result of gross negligence fail to or refuse to comply with applicable State laws and rules and sound fiscal and management practices identified in the notice, the SBCC may adopt a resolution by two thirds of the

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 420

Page 2

SBCC board members in attendance to vacate the terms of the local board of trustees and appoint an interim local board to assume the duties and responsibilities of that board of trustees.

Before adopting the resolution, the SBCC must consult with the appointing authorities of the board of trustees and representatives of the North Carolina Association of Community Colleges Trustees and the North Carolina Association of Community College Presidents regarding the proposed resolution. The SBCC may use this authority as a extraordinary remedy in the most extreme circumstances.

Interim Board and Permanent Replacements – The adoption of the resolution would have the effect of vacating the terms of all of the members serving on that board of trustees. The SBCC would then have to appoint an interim 5 member board of trustees for a period of no longer than 12 months. The appointing authorities of the local administrative area of the community college must make recommendations to the SBCC on the appointment of the interim board members. At the of the service of the interim board of trustees, a new board of trustees for that community college must be appointed in accordance with G.S. 115D-12 which is described above and the initial terms of the new members of the board of trustees staggered to align with the remainder of the vacated terms of the former members of the board.

Notice to the General Assembly – Within 60 days of the adoption of the resolution to remove the members of a board of trustees, the SBCC must report to the General Assembly on the adoption of the resolution and any necessary legislative recommendations addressing the future governance of that community college.

SECTION 2

CURRENT LAW: Each local board of trustees must meet as often as necessary for the conduct of the business of the community college but must meet at least once every 3 months.

BILL ANALYSIS: The bill would require that local boards of trustees meet at least once every 2 months.

SECTION 3

CURRENT LAW: Each community college is subject to a financial audit at a minimum of once every 2 years and must submit the results of the audits to the SBCC.

BILL ANALYSIS: The bill would allow the SBCC to require a community college to be audited annually after the community college has 2 consecutive audits with findings.

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



Senate Committee

On

Education/Higher Learning

April 25, 2017

Room 544, LOB

12:00 PM

Senate Sergeant at Arms:

John Enloe

Billy Fritscher

Tom Burroughs



Senate Pages Attending

COMMITTEE: Education ROOM: 544

DATE: 4-25 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!!!

Page Name	Hometown	Sponsoring Senator
1. Cailey Howard	Kinston	Senator Pate
2. Elizabeth Coleman	Clinton	Senator B. Jackson
3. Robby Kinson	Fayetteville	Sen. Meredith
4. Everett McAtee	Fayetteville	Sen. Meredith
5. Sydney Lee Howell	Laurinburg	Senator Pate
6. Samantha Langer	Cary	Chadhuri
7. Sarah		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.



SPEAKER SIGN-UP SHEET

SENATE COMMITTEE on
EDUCATION/HIGHER LEARNING

04/25/2017

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY / BILL #</u>
Randy Vinson	NCACCT/Gaston 420
Lyn Austin	Johnston Comm College 420
Donny Hunter	NCACCT - NC Association of community college trustees 420
Marilyn Starnes	Caldwell Community College 420
C. Philip Byers	UNC BOG 420



SPEAKER SIGN-UP SHEET

SENATE COMMITTEE on
EDUCATION/HIGHER LEARNING

04/25/2017

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY / BILL #</u>
Bruce Mildner	NCSBA 5531



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tiffany Hagemeyer	Asheville Jewish Community Center Shalom Children's Center, Asheville, NC
Melissa Wilson	Verner Center for Early Learning 5382 Riceville Rd. Asheville NC 28805
Stacy Lutz-Owens	Buncombe Partnership for children
Angie Robyuk	Buncombe Partnership for children 2229 Riverside Dr Asheville NC 28804
DAVID POWERS	UNC BOG
Tonia Padrick	Johnston Community College Smith Field, NC
Scarlet Wellborn	Self
Kristy Umfleet	self
Michele Livest	N.C. Early Ed. Coalition
LISA EADS	NCCCS
Cyndie Osborne	Stanly Community College
Becelia Holden	NC SBE

Kevin Wilkinson

Cher Burke

Scot Lester

Richard Boettig

Walter Cox?

Frank Jaramila

Wally Perkins

Laura Guntz

Joey Strasburg

Storres

Ned Jones

NC Superintendent

ALCO

KGMC

ALC SRA

Alta Notions Newspaper
LA Notion Newspaper

Perkinson Law

NC BID

Sen. Tucker, Off-

OST

Industrial Commission

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sc Stone	NCSU
Bruce Melnick	NCSA
Drew Moretz	UNC GA
Matthew Docken	Appalachian State University
Lindsay Wagner	A J. Fletcher Foundation
Tom Abel	NCTECH
Jonathan Kappeler	UNC GA
Pastor S.E. HARDAWAY	Buncombe Partnership For Children ^{Asheville} NC
Betty Doster	ONE Charlotte
Michelle Brook	ECU
Susan M. Zimmerman	BCP for children Asheville



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Julie Woodson	NCACCT
Donny Hunter	NCACCT
Robb Jansen	NC SBE
Edna Wallace	RTI
Samantha Bucks	NC aeyc
Theresa Sanders	Onslow County Partnership for Children
Adam Pridenoe	NCASA
Bryan Holloway	Holloway Cray
Cameron Hilly	MVA



Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS

[illegible]



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Matt Ellinwood	Nc Justice Center
Daniel Rahn	Trouman School
W. Gardner Lip	PPAD
Wendy Kelly	Focus carolina
Philip Byers	UNC BOC
Hugh Jones	NACC
Leanne Wynn	NCSBA
Johanna Reese	NACC
Lyn Austin	JCC
Marilyn Starnes	CCCTI
Randy Dineen	NCACT



Senate Committee on Education/Higher Education
Wednesday, April 26, 2017 at 12:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on April 26, 2017 in Room 544 of the Legislative Office Building. 16 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting by recognizing the Senate Pages and Senate Sergeant at Arms.

SB 420 CC Bd. of Trustees/Governance. (Senators Curtis, Barefoot)

Sen. Curtis presented Senate Bill 420.

Members of the committee were given the opportunity to ask questions of the bill sponsor.

The following audience members spoke in support of Senate Bill 420:

- Earnest Pearson, member of the State Board of Community Colleges
- Ann Whitford, members of the State Board of Community Colleges
- Dr. Jimmie Williamson, President of the NC Community Colleges System

The following audience member spoke in opposition of Senate Bill 420:

- Randy Vinson, chairman of the NC Association of Community College Trustees

Sen. Don Davis made a motion for a favorable report. The motion was approved.

SB 408 NC Truth in Education. (Senators Curtis, McInnis)

Sen. Curtis presented the PCS to Senate Bill 408


Members of the committee were given the opportunity to ask questions of the bill sponsor.

Members of the committee were given the opportunity to ask questions of Drew Moretz, VP for Government Relations with UNC General Administration.

Sen. Tarte made a motion to displace the bill. Sen. Rabin seconded the motion. The motion was approved.

Sen. Barefoot appointed a subcommittee to study this issue further. Members of the subcommittee are: Sen. David Curtis, Sen. Jeff Tarte, Sen. Don Davis, and Sen. Chuck Edwards.

The meeting adjourned at 12:56 PM.



Senator Chad Barefoot, Chair
Presiding



Eric Naisbitt, Committee Clerk



Eric Naisbitt (Sen. Chad Barefoot)

From: Lynn Tennant (Sen. David Curtis)
Sent: Tuesday, April 25, 2017 07:17 PM
To: Sen. David Curtis; Sen. Tom McInnis; Sen. Chad Barefoot
Cc: Lynn Tennant (Sen. David Curtis); Libby Spain (Sen. Tom McInnis); Eric Naisbitt (Sen. Chad Barefoot)
Subject: <NCGA> Senate Education/Higher Education Committee Meeting Notice for Wednesday, April 26, 2017 at 12:00 PM
Attachments: Add Meeting to Calendar_LINC_.ics

Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on Education/Higher Education will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	April 26, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>SB 408</u>	NC Truth in Education.	Senator Curtis Senator McInnis
<u>SB 420</u>	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Wednesday, April 26, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 408	NC Truth in Education.	Senator Curtis Senator McInnis
SB 420	CC Bd. of Trustees/Governance.	Senator Curtis Senator Barefoot

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, April 26, 2017

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

FAVORABLE

SB 420

CC Bd. of Trustees/Governance.

Draft Number: None

Sequential Referral: Rules and Operations of the Senate

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Senator David L. Curtis will handle SB 420



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SENATE BILL 408: NC Truth in Education.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	April 25, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Curtis, McInnis	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition		Staff Attorney
	S408-CSTC-36		

OVERVIEW: *SB 408 would require constituent institutions of The University of North Carolina to provide information related to employment rates, student loan repayment and default rates, and other similar information of prior graduating classes to prospective students and students selecting majors.*

The PCS engrosses the amendment adopted on April 24, 2017, in Senate Education and makes no additional changes to the bill.

BILL ANALYSIS: SB 408 would create the following new requirements for constituent institutions of The University of North Carolina to provide information to students after receipt of application or major selection on prior graduating classes of the institution as follows:

- Default rate and repayment rate of student loans for undergraduates.
- Four year and six year graduation rates of undergraduates.
- Employment and unemployment rates generally and by majors for students who earn a baccalaureate degree.
- Median and mean starting salary for students graduating with a baccalaureate degree; also, median and mean salary for students five years after graduation with a baccalaureate degree.
- Graduate school acceptance rates.
- MCAT scores and GRE scores of graduates accepted by the institution.
- Average time to earn a baccalaureate degree.

The University of North Carolina General Administration would develop a uniform format for providing the information to ensure that each constituent institution complies with these requirements.

EFFECTIVE DATE: SB 408 would become effective when it becomes law, and the notice requirements would apply beginning with students applying as undergraduates or graduate students for the 2018 fall academic semester and to students who declare a major for the 2018 fall academic semester.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 408

Short Title: NC Truth in Education.

(Public)

Sponsors: Senators Curtis, McInnis (Primary Sponsors); Rabin and Smith-Ingram.

Referred to: Rules and Operations of the Senate

March 29, 2017

A BILL TO BE ENTITLED
AN ACT TO REQUIRE EACH CONSTITUENT INSTITUTION TO COMPILE AND
PROVIDE CERTAIN INFORMATION TO STUDENTS WHO APPLY FOR
ADMISSION AT THE CONSTITUENT INSTITUTION THAT MAY BE HELPFUL TO
STUDENTS IN SELECTING AN INSTITUTION OF HIGHER EDUCATION TO
ATTEND AND IN MAKING CAREER CHOICES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended
by adding a new section to read:

**"§ 116-40.15. Duty to provide certain information to students applying for admission or
enrolled at a constituent institution regarding the employment rates, student
loan repayment and default rates, and other similar information of prior
graduating classes.**

(a) Each constituent institution shall compile the information listed in this subsection
and provide that information as required by subsection (b) of this section to students applying
as undergraduates or graduate students at the institution. Each constituent institution shall
compile annually all of the following information regarding prior graduation classes of the
institution:

- (1) Default rate and repayment rate of student loans for undergraduates.
- (2) Four-year and six-year graduation rates of undergraduates.
- (3) Employment and unemployment rates generally and by majors for students
who earn a baccalaureate degree.
- (4) Median and mean starting salary for students graduating with a
baccalaureate degree; also, median and mean salary for students five years
after graduation with a baccalaureate degree.
- (5) Graduate school acceptance rates.
- (6) MCAT scores and GRE scores of graduates accepted by the institution.
- (7) Average time to earn a baccalaureate degree.

(b) Each constituent institution shall provide the information set out in subsection (a) of
this section to each student applying for admission to the institution as an undergraduate or as a
graduate student and to each undergraduate student when the student declares a major as
follows:

- (1) The institution shall send each student applying as an undergraduate at the
institution a letter that provides the information set out in subsection (a) of
this section. The letter shall be sent no later than five days after the student
has completed the application. The student, and the student's parent if the



1 student is a minor, shall sign the letter and return it to the constituent
2 institution when the student notifies the institution that the student intends to
3 enroll at the institution. The student shall not be allowed to register for
4 classes until the institution receives the signed letter.

5 (2) When a student declares a major, the institution shall send a letter to the
6 student with the information set out in subsection (a) of this section that is
7 relevant to the student's major. The student shall sign the letter and return it
8 to the institution. The student shall not be allowed to receive credit for
9 classes taken toward the student's major until the signed letter has been
10 returned to the institution.

11 (3) The institution shall send a letter with the information set out in subsection
12 (a) of this section to each student applying as a graduate student at the
13 institution. The letter shall be sent no later than five days after the student
14 has completed the application. The student shall sign the letter and return it
15 to the institution when the student notifies the institution that the student
16 intends to enroll at the institution. The student shall not be allowed to
17 register for classes until the institution receives the signed letter.

18 (c) The University of North Carolina General Administration shall develop a uniform
19 format for providing the information required by this section that shall be used by each
20 constituent institution. The University of North Carolina General Administration shall also
21 ensure that each constituent institution complies with this section.

22 (d) This section does not apply to the constituent institutions that are high schools."

23 **SECTION 2.** Chapter 116 of the General Statutes is amended by adding a new
24 Article to read:

25 "Article 27B.

26 "Duty to Provide Information Regarding Employment, Student Loan Repayments, and Other
27 Similar Information to Students.

28 **"§ 116-229.30. Duty to provide certain information to students regarding the employment**
29 **rates, student loan repayment and default rates, and other similar information**
30 **of prior graduating classes.**

31 Any private institution of higher education where students who receive State financial aid
32 are enrolled shall compile the information listed in G.S. 116-40.15(a) annually and provide that
33 information to all students applying as undergraduates or graduate students at the institution
34 and to each undergraduate student at the time the student declares a major in the same manner
35 as provided by G.S. 116-40.15."

36 **SECTION 3.** This act is effective when it becomes law. Sections 1 and 2 apply to
37 students applying as undergraduates or graduate students for the 2018 fall academic semester,
38 to students who declare a major for the 2018 fall academic semester, and to students in those
39 categories each subsequent academic semester.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 408
PROPOSED COMMITTEE SUBSTITUTE S408-CSTC-36 [v.1]
04/25/2017 12:21:32 PM

Short Title: NC Truth in Education.

(Public)

Sponsors:

Referred to:

March 29, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE EACH CONSTITUENT INSTITUTION TO COMPILE AND
3 PROVIDE CERTAIN INFORMATION TO STUDENTS WHO APPLY FOR ADMISSION
4 AT THE CONSTITUENT INSTITUTION THAT MAY BE HELPFUL TO STUDENTS IN
5 SELECTING AN INSTITUTION OF HIGHER EDUCATION TO ATTEND AND IN
6 MAKING CAREER CHOICES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by
9 adding a new section to read:

10 "§ 116-40.15. Duty to provide certain information to students applying for admission or
11 enrolled at a constituent institution regarding the employment rates, student loan
12 repayment and default rates, and other similar information of prior graduating
13 classes.

14 (a) Each constituent institution shall compile the information listed in this subsection and
15 provide that information as required by subsection (b) of this section to students applying as
16 undergraduates or graduate students at the institution. Each constituent institution shall compile
17 annually all of the following information regarding prior graduation classes of the institution:

- 18 (1) Default rate and repayment rate of student loans for undergraduates.
- 19 (2) Four-year and six-year graduation rates of undergraduates.
- 20 (3) Employment and unemployment rates generally and by majors for students who
21 earn a baccalaureate degree.
- 22 (4) Median and mean starting salary for students graduating with a baccalaureate
23 degree; also, median and mean salary for students five years after graduation
24 with a baccalaureate degree.
- 25 (5) Graduate school acceptance rates.
- 26 (6) MCAT scores and GRE scores of graduates accepted by the institution.
- 27 (7) Average time to earn a baccalaureate degree.

28 (b) Each constituent institution shall provide the information set out in subsection (a) of
29 this section to each student applying for admission to the institution as an undergraduate or as a
30 graduate student and to each undergraduate student when the student declares a major as follows:

- 31 (1) The institution shall send each student applying as an undergraduate at the
32 institution a letter that provides the information set out in subsection (a) of this
33 section. The letter shall be sent no later than five days after the student has
34 completed the application.



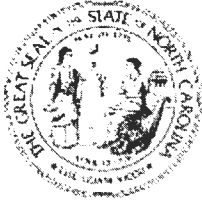
1 (2) When a student declares a major, the institution shall send a letter to the student
2 with the information set out in subsection (a) of this section that is relevant to
3 the student's major.

4 (3) The institution shall send a letter with the information set out in subsection (a)
5 of this section to each student applying as a graduate student at the institution.
6 The letter shall be sent no later than five days after the student has completed
7 the application.

8 (c) The University of North Carolina General Administration shall develop a uniform
9 format for providing the information required by this section that shall be used by each constituent
10 institution. The uniform format may provide for electronic transmission of the required
11 information. The University of North Carolina General Administration shall also ensure that each
12 constituent institution complies with this section.

13 (d) This section does not apply to the constituent institutions that are high schools."

14 **SECTION 2.** This act is effective when it becomes law, and applies to students
15 applying as undergraduates or graduate students for the 2018 fall academic semester, to students
16 who declare a major for the 2018 fall academic semester, and to students in those categories each
17 subsequent academic semester.



SENATE BILL 420: CC Bd. of Trustees/Governance.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 24, 2017
Introduced by:	Sens. Curtis, Barefoot	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 420 would (i) allow the State Board of Community Colleges (SBCC) appoint an interim board of trustees to assume the powers and duties of a board of trustees of a local community college in certain instances; (ii) require that the boards of trustees of local community colleges meet at least once every 2 months; and (iii) authorize the SBCC to require financial audits in certain cases.*

SECTION 1

CURRENT LAW: G.S. 115D-12 establishes the local boards of trustees for community colleges. There are thirteen members on each board, including the president of the student body as an ex officio member. Of the remaining twelve members, they are appointed in groups of four respectively by the following entities: (i) the board(s) of education of the local school administrative unit(s) located in the administrative area of the institution; (ii) the board(s) of commissioners of the county or counties in the administrative area of the institution; and (iii) the Governor. Under G.S. 115D-6, the SBCC can withdraw or withhold State financial and administrative support of a local community colleges if any of the following occur:

- The required local financial support of an institution is not provided.
- Sufficient State funds are not available.
- The officials of an institution refuse or are unable to maintain prescribed standards of administration or instruction.
- Local educational needs for such an institution cease to exist.

BILL ANALYSIS: The bill would establish a procedure by which the SBCC can provide a notice of noncompliance to a local board of trustees and appoint an interim board of trustees when the SBCC finds that a local board of trustees has willfully or as a result of gross negligence failed to or refused to comply with applicable State laws and rules and sound fiscal and management practices.

Notice – If the SBCC finds that a local board of trustees has willfully or as result of gross negligence failed to or refused to comply with applicable State laws and rules and sound fiscal and management practices, the SBCC may issue a written notice to the board of trustees of these findings and direct the local board to take immediate remedial action to address the issues.

Resolution – If, after receipt of this notice, a board of trustees continues to willfully or as a result of gross negligence fail to or refuse to comply with applicable State laws and rules and sound fiscal and management practices identified in the notice, the SBCC may adopt a resolution by two thirds of the

Aaren Cochran-Brown
Director



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Senate Bill 420

Page 2

SBCC board members in attendance to vacate the terms of the local board of trustees and appoint an interim local board to assume the duties and responsibilities of that board of trustees.

Before adopting the resolution, the SBCC must consult with the appointing authorities of the board of trustees and representatives of the North Carolina Association of Community Colleges Trustees and the North Carolina Association of Community College Presidents regarding the proposed resolution. The SBCC may use this authority as a extraordinary remedy in the most extreme circumstances.

Interim Board and Permanent Replacements – The adoption of the resolution would have the effect of vacating the terms of all of the members serving on that board of trustees. The SBCC would then have to appoint an interim 5 member board of trustees for a period of no longer than 12 months. The appointing authorities of the local administrative area of the community college must make recommendations to the SBCC on the appointment of the interim board members. At the of the service of the interim board of trustees, a new board of trustees for that community college must be appointed in accordance with G.S. 115D-12 which is described above and the initial terms of the new members of the board of trustees staggered to align with the remainder of the vacated terms of the former members of the board.

Notice to the General Assembly – Within 60 days of the adoption of the resolution to remove the members of a board of trustees, the SBCC must report to the General Assembly on the adoption of the resolution and any necessary legislative recommendations addressing the future governance of that community college.

SECTION 2

CURRENT LAW: Each local board of trustees must meet as often as necessary for the conduct of the business of the community college but must meet at least once every 3 months.

BILL ANALYSIS: The bill would require that local boards of trustees meet at least once every 2 months.

SECTION 3

CURRENT LAW: Each community college is subject to a financial audit at a minimum of once every 2 years and must submit the results of the audits to the SBCC.

BILL ANALYSIS: The bill would allow the SBCC to require a community college to be audited annually after the community college has 2 consecutive audits with findings.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 420

Short Title: CC Bd. of Trustees/Governance.

(Public)

Sponsors: Senators Curtis and Barefoot (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CIRCUMSTANCES IN WHICH THE STATE BOARD OF
COMMUNITY COLLEGES MAY APPOINT AN INTERIM BOARD OF TRUSTEES TO
ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO REQUIRE
THAT A BOARD OF TRUSTEES MEET AT LEAST ONCE EVERY TWO MONTHS;
AND TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO
REQUIRE FINANCIAL AUDITS IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

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

"§ 115D-6.5. Notice of noncompliance; appointment of an interim board of trustees.

(a) Notice. – The State Board of Community Colleges is responsible for assuring that boards of trustees of the community colleges comply with applicable State laws, rules, and sound fiscal and management practices. In addition to any actions taken by the State Board under G.S. 115D-6(3), if the State Board finds that a board of trustees of a community college has willfully, or as a result of gross negligence, failed to or refused to comply with applicable State laws, rules, and sound fiscal and management practices, the State Board may issue a written notice to the board of trustees of its findings and direct the board of trustees to take remedial action immediately to address those findings upon receipt of the notice.

(b) Resolution. – If, after receipt of the notice issued under subsection (a) of this section, a board of trustees willfully, or as a result of gross negligence, persists in refusing or failing to comply with the State laws, rules, or sound fiscal and management practices identified in the notice, the State Board of Community Colleges may adopt a resolution, upon approval of at least two-thirds of the members of the State Board attending the meeting in which the resolution is considered, to vacate the terms of the board of trustees and appoint an interim board of trustees to assume the duties and responsibilities of that board of trustees. Prior to adopting the resolution, the State Board shall consult with the appointing authorities of the board of trustees and representatives of the North Carolina Association of Community College Trustees and the North Carolina Association of Community College Presidents regarding the proposed resolution. The State Board shall only exercise this authority as an extraordinary remedy utilized in the most extreme circumstances.

(c) Interim Board Assumption of Powers and Duties. – The adoption of the resolution under this section shall have the effect of vacating the terms of all of the members serving on the board of trustees. Notwithstanding G.S. 115D-12, the State Board of Community Colleges shall appoint an interim five-member board of trustees for a period not to exceed 12 months. To preserve local autonomy, the appointing authorities of the local administrative area of the



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community college under G.S. 115D-12 shall make recommendations to the State Board on the appointment of the members to the interim board of trustees. At the end of the period of service of the interim board of trustees, a board of trustees for the community college shall be appointed in accordance with G.S. 115D-12. Initial terms of members of the new board of trustees shall be staggered to align with the remainder of the vacated terms of the members of the board of trustees.

(d) Notice to the General Assembly. – Within 60 days of the adoption of the resolution under this section, the State Board shall report to the General Assembly in accordance with G.S. 120-29.5 on the adoption of the resolution, the interim board of trustees appointed by the State Board, and any legislative recommendations necessary in regard to the future governance of the community college.

(e) State Board Policy. – The State Board of Community Colleges shall adopt any policies necessary to implement the provisions of this section."

SECTION 2. G.S. 115D-18 reads as rewritten:

"§ 115D-18. Organization of boards; meetings.

At the first meeting after its selection, each board of trustees shall elect from its membership a ~~chairman~~, ~~chair~~, who shall preside at all board meetings, and a ~~vice-chairman~~, ~~vice-chair~~, who shall preside in the absence of the ~~chairman~~, ~~chair~~. The trustees shall also elect a secretary, who may be a trustee, to keep the minutes of all board meetings. All three officers of the board shall be elected for a period of one year but shall be eligible for reelection by the board.

Each board of trustees shall meet as often as may be necessary for the conduct of the business of the institution but shall meet at least once every ~~three~~ two months. Meetings may be called by the ~~chairman~~ ~~chair~~ of the board, a majority of the trustees, or the chief administrative officer of the institution."

SECTION 3. G.S. 115D-58.16(a) reads as rewritten:

"(a) Each community college shall be subject to a financial audit a minimum of once every two years. Community colleges may use State funds to contract with the State Auditor or with a certified public accountant to perform the audits. The colleges shall submit the results of the audits to the State Board of Community Colleges. The State Board of Community Colleges may require a community college to be audited annually after the community college has two consecutive financial audits with findings.

The State Board of Community Colleges shall ensure that all colleges are audited in accordance with this section."

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

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Senate Pages Attending

COMMITTEE: Education - Higher Ed. ROOM: 544

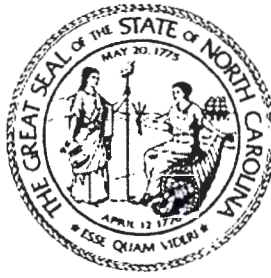
DATE: 4-26 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!!!

	Page Name	Hometown	Sponsoring Senator
①	Derrin Mallory	Roanoke Rapids	Bryant
②	Thea Borrell	Chapel Hill	Faushee
③	Sarah Deforest	Hickory	Wells
④	Madison Galloway	Forest City	Hise
5.			
6.			
7.			
8.			

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE COMMITTEE on**
EDUCATION/ HIGHER LEARNING

DATE: 04-26-2017

ROOM: 544

1. HAL ROACH

2. TERRY BARNHARDT

3. _____

4. _____





VISITOR SIGN-IN SHEET

SENATE COMMITTEE on EDUCATION /
HIGHER LEARNING

04/26/2017

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Randy Vinson	NC Association of Community College Trustees + Gaston Comm College
Lyn Austin	Johnston Comm. College
Donny Hunter	NEACCT
Marilyn Starnes	Saldwell Comm. College
Ann Whitford	State Board Community Colleges
Ernest Pearr	" " " "
Chris Broughton	MWC
Michelle Brooks	ECU
Matthew Dackham	Appalachian State University
SSA	NSU
Jonathan Kappler	UNC GA
Drew Moretz	UNC GA
Andrew Cagle	UNC Greensboro
Matthew	NC
Jon Hart	NC ICH
Anne Bacon	NCCCS



VISITOR SIGN-IN SHEET

**SENATE COMMITTEE on EDUCATION /
HIGHER LEARNING**

04/26/2017

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Andy Vins	NCACCT
Julie Woodson	NCACCT
Donny Hunter	NCACCT
Lyn Austin	Johnston C College
Marilyn Starnes	Caldwell Com. College
W. Garth Cup	PPHB
Richard Bostri	NC SBA
Anna Mldwulf	NCSBA
Sarah Hardin	NCEL



Senate Committee on Education/Higher Education
Wednesday, May 17, 2017 at 12:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on May 17, 2017 in Room 544 of the Legislative Office Building. 15 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting and recognized the Senate Sergeant at Arms and Senate Pages.


SB 599: Excellent Educators for Every Classroom. (Senator Barefoot)

Senator Barefoot presented a proposed committee substitute for Senate Bill 599. Senator Rabin made a motion to hear the proposed committee substitute. The motion was approved. Senator Barefoot explained the proposed committee substitute and then presented an amendment to the proposed committee substitute. Senator Lee made a motion to approve the amendment. The motion was approved and engrossed into the proposed committee substitute. Members of the committee were given the opportunity to ask questions and comment on the bill. Cecelia Holder, Legislative Affairs Director, State Board of Education, commented on the proposed committee substitute and answered committee member's questions. Committee members and staff further discussed the proposed committee substitute. The proposed committee substitute was held over to the next education committee meeting.

The meeting adjourned at 12:57 PM.



Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk



Senate Committee on Education/Higher Education
Wednesday, May 17, 2017, 12:00 PM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

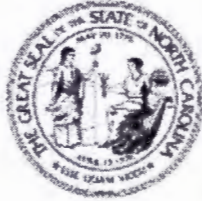
Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 599	Excellent Educators for Every Classroom.	Senator Barefoot

Adjournment





SENATE BILL 599: Excellent Educators for Every Classroom.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 17, 2017
Introduced by:	Sen. Barefoot	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition S599-CSBE-23		Committee Co-Counsel

OVERVIEW: Senate Bill 599 would do the following:

- Establish the Professional Educator Preparation and Standards Commission
- Authorize entities meeting certain criteria to become an approved educator preparation program (EPP)
- Establish a residency model to replace lateral entry, providing additional support for those teaching as their second career
- Create a structured EPP accountability system
- Clarify the educator licensure process
- Ensure availability of information on teacher vacancies occurring in North Carolina public schools

The PCS would:

- Clarify that current professional educator license would not be terminated prior to the current expiration date of the license due to changes in this act
- Authorize the State Board of Education to continue to issue lateral entry licenses through the 2017-2018 school year
- Require EPPs to only submit annual performance reports to the State Board of Education and the board of trustees or the board of directors of the entity submitting the report
- Make various conforming changes

PART I

BILL ANALYSIS: G.S. 115C-269.1 would establish the Professional Educator Preparation and Standards (PEPS) Commission. The PEPS Commission would be independent of the State Board of Education (State Board) and would recommend standards for educator preparation, licensure, continuing education, and conduct to the State Board.

PART II

EPP APPROVAL PROCESS

CURRENT LAW: Under G.S. 115C-296.8, the State Board may approve any institution of higher education as an EPP, provided that it meets standards required by statute and rule. The statutory standards require that the EPP:

- Either be State-approved or nationally accredited.

Karen Cochrane-Brown
Director



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Senate PCS 599

Page 2

- Maintain minimum admission standards, such as satisfactory scores on the Praxis I and a minimum GPA of 2.7 (with an average GPA of at least 3.0 for each cohort).
- Provide instruction in certain areas, such as the identification of children with disabilities, positive behavior management of student behavior, and digital instruction. Additional instruction is required for particular licensure areas.
- Require students to participate in field experiences each semester, gradually increasing in time and intensity as each semester goes on. Student teaching must take place for a minimum of 16 weeks.
- Require that clinical educators, who supervise student teachers, be licensed, have a minimum of 3 years of experience in a teaching role, and be rated as accomplished on the NC evaluation system.
- Maintain a collaborative partnership with elementary schools and secondary schools and enter into a memorandum of understanding (MOU) with local school administrative units where students are placed, defining joint expectations for a collaborative process.

BILL ANALYSIS: G.S. 115C-269.1 would create explicit definitions for words used throughout Article 20A.

Particularly relevant changes include:

- EPPs: Any entity approved by the State Board rather than only institutions of higher education.
- Approved EPPs: EPPs that have met the requirements of the State Board in lieu of national accreditation.
- Initially Authorized EPP: An EPP that has been approved by the State Board or nationally accredited, but lacks the data to meet all of the accountability standards.
- Authorized EPP: An EPP that has met accountability standards and has been approved by the State Board or nationally accredited.
- Recognized EPP: An EPP that is either initially authorized or authorized, and has the authority to recommend students for educator licensure.
- Clinical intern: Individual who would have been previously called a student teacher.
- Resident: Individual who formerly would have received a lateral entry license.
- Clinical mentors: On-site teachers who would serve as mentors to residents.

G.S. 115C-269.5 would give the State Board the authority to recognize EPPs that meet the standards set out in Article 20A, thus allowing the EPPs to recommend candidates for licensure. Additionally, the statute would lay out the minimum standards EPPs must meet in order to be approved, which mirror those set out by the Council for the Accreditation of Educator Preparation (CAEP). G.S. 115C-269.10 would identify the process EPPs must go through in order to recommend students for educator licensure. To be initially authorized or authorized, EPPs must be approved by the State Board or accredited by CAEP, and they must satisfy the performance standards in a way that their status is not revoked under G.S. 115C-269.45. The minimum admissions requirements outlined in G.S. 115C-269.15 would still include a satisfactory Praxis I score. However, since there would no longer be a separate distinction for lateral entry candidates, having a bachelor's degree could also be used to satisfy this requirement. The 2.7 GPA requirement (with an average of at least 3.0 for each cohort), would remain the same.

G.S. 115C-269.15 would leave intact the requirements in current statute, but would add additional requirements, such as:

- Instruction related to the skills and responsibilities of teachers
- The expectations for student performance based on State standards
- The current supply of and demand for educators in the State
- The State's framework for appraisal of educators

Middle and high school teacher EPPs must also include adequate coursework in the relevant content area and in the teaching of the relevant content area.

G.S. 115C-269.1 would recodify existing clinical practice requirements with updated terminology. In addition, the statute lists requirements for residencies, which include:

- Residencies must last for a minimum of one year.
- EPPs must provide ongoing support to the resident.
- A clinical mentor must be assigned to the resident.

Senate PCS 599

Page 3

- The resident must complete at least 30 hours of field experience and 150 hours of coursework prior to the residency.

Additionally, the statute would require the clinical mentors to meet criteria similar to that of clinical educators.

EPP ACCOUNTABILITY SYSTEM

CURRENT LAW: G.S. 115C-296.13 requires EPPs to submit annual performance reports to the State Board. The statute outlines the minimum data that must be submitted with the report, but provides the State Board with discretion to add additional requirements. The State Board can take action against an EPP if it fails to meet any of the criteria outlined in G.S. 115C-296.8, which includes:

- Failing to report required information to the State Board.
- Offering misleading or false information about approved programs.
- Accepting students into any part of an EPP that is not approved by the State Board.
- Failing to comply with the EPP review process.
- Failing to meet standards for approval set forth by the State Board.

BILL ANALYSIS: G.S. 115C-269.35 modifies permissive accountability language by requiring the State Board to take action against an EPP when the EPP fails to meet standards on the following indicators, broken down by race, sex, and ethnicity:

- Performance of EPP graduates on annual teacher evaluations.
- Proficiency and growth of students taught by EPP graduates.
- Satisfaction of EPP graduates after their first year of teaching.
- Quality of students entering the EPP.

G.S. 115C-269.45 requires the State Board to annually evaluate an EPP's performance and assign an appropriate accountability status, if necessary, based on an EPP meeting one of the following criteria:

- Warned
 - Overall student performance standard is not met on at least one indicator in any one year.
 - Any two race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any one year.
 - Any single race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any two consecutive years.
 - State Board determines a law or rule violation merits warned status.
- Probation
 - Overall student performance standard is not met on at least one indicator in two consecutive years.
 - Any two race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any one year.
 - Any single race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any three consecutive years.
 - State Board determines a law or rule violation merits probation status.
- Revoked
 - EPP has been on probation status for three consecutive years.
 - EPP has been on probation status one year, but State Board determines revoked status is reasonably necessary.

If an EPP is in revoked status, its approval to recommend students for educator licensure is revoked. Other identified sanctions may be implemented at the State Board's discretion, such as:

- Requiring the EPP to obtain technical assistance.
- Requiring the EPP to obtain professional services from another entity.
- Appointing a monitor to oversee and report to the State Board.
- Managing the EPP's enrollment.

Senate PCS 599

Page 4

Any costs associated with the sanctions would be covered by the EPP.

G.S. 115C-269.35 would also require additional data that must be reported to the State Board and ultimately included in the EPP's report card, such as:

- The extent to which the program prepares educators to effectively teach students with disabilities and students of limited English proficiency.
- The number of EPP graduates who continue teaching at least three years after licensure.

LATERAL ENTRY

CURRENT LAW: Under G.S. 115C-296.12, individuals with a bachelor's degree may start teaching without having completed an EPP. Eligible individuals receive an initial teaching license and may teach for three years while also completing a program of study designed to prepare the lateral entry teachers for continuing licensure. Lateral entry requirements can be completed at North Carolina colleges and universities, as well as local community colleges.

BILL ANALYSIS:

Senate Bill 599 would replace the lateral entry license with the residency license. Individuals who already have a bachelor's degree may enroll in an EPP and be employed to teach at the time same. As stated above, G.S. 115C-269.1 outlines the requirements for residencies, which include:

- Residencies must last for a minimum of one year.
- EPPs must provide ongoing support to the resident.
- A site-based clinical mentor must be assigned to the resident.
- At least 30 hours of field experience and 150 hours of coursework prior to the residency.

PARTS III, IV, AND V

BILL ANALYSIS:

- Repeals and recodifies G.S. 115C-296 by breaking it into different statutes for clarity.
- Defines various teacher licenses:
 - Continuing professional license: 5-year renewable license.
 - Emergency license: One-year nonrenewable license for individual who holds a bachelor's degree with relevant coursework, but who is not eligible for a residency license.
 - Initial professional license: 3-year nonrenewable license for individual who has completed a recognized EPP
 - Lifetime license: License issued after 50 or more years of teaching that requires no renewal
 - Residency license: One-year license (renewable once) issued to an individual who has:
 - Bachelor's degree with coursework relevant to the requested licensure area.
 - Enrolled in a recognized EPP.
 - Has completed 30 hours of field experience and 150 hours of coursework or training with the EPP.
 - Retirement license: 5-year renewable license issued to a teacher who retired with 30 or more years of experience and who has served as a substitute teacher at least once every three years since retirement
- Requires a report on teaching positions that local boards of education are unable to fill by the 40th instructional day.
- Recodifies reporting requirements related to the state of the teaching profession.
- Makes various conforming changes.

EFFECTIVE DATE: The act would be effective when it becomes law and would apply beginning with the 2017-2018 school year. The act would be phased in such that:

- EPPs approved by the State Board prior to July 1, 2017 would be considered initially authorized until the earlier of June 30, 2020, or the date of its five-year renewal. EPPs not approved as of that date would first be eligible to open during 2018-2019 school year.
- Reporting requirements would begin with the 2018-2019 school year.
- No EPP may be assigned a "revoked" accountability status prior to the 2023-2024 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE BILL 599

PROPOSED COMMITTEE SUBSTITUTE S599-CSBE-23 [v.5]

05/16/2017 6:27:24 PM

Short Title: Excellent Educators for Every Classroom.

(Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION, TO AUTHORIZE THE EXPANSION OF EDUCATOR PREPARATION PROGRAMS AND TO CREATE A SYSTEM THAT HOLDS ALL PROGRAMS ACCOUNTABLE, TO REORGANIZE AND CLARIFY THE EDUCATOR LICENSURE PROCESS, AND TO ENSURE AVAILABILITY OF INFORMATION ON TEACHER VACANCIES OCCURRING IN NORTH CAROLINA PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

PART I. NORTH CAROLINA PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION

SECTION 1.(a) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17C.

"Professional Educator Preparation and Standards Commission.

"§ 115C-268.1. Professional Educator Preparation and Standards Commission.

(a) Commission. – There is created the Professional Educator Preparation and Standards Commission (Commission). The purpose of the Commission is to involve stakeholders in establishing high standards for North Carolina educators. The Commission shall make rule recommendations regarding all aspects of preparation, licensure, continuing education, and standards of conduct of public school educators.

(b) Location. – The Commission shall be located administratively under the State Board of Education but shall exercise its powers and duties independently of the State Board of Education.

(c) Membership. – The Commission shall consist of the following 16 members:

(1) The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint the following:

a. One superintendent.

b. One principal.

c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.

d. One dean, or dean's designee, of an educator preparation program at a nonpublic post-secondary educational institution in North Carolina.

e. One elementary school teacher.

f. One middle or high school teacher.

g. One at-large member.



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- (2) The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint the following:
- a. One superintendent.
 - b. One principal.
 - c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.
 - d. One dean, or dean's designee, of an educator preparation program at a nonpublic post-secondary educational institution in North Carolina.
 - e. One elementary school teacher.
 - f. One middle or high school teacher.
 - g. One at-large member.
- (3) The State Teacher of the Year.
- (4) The Superintendent of Public Instruction, or his or her designee.

In making appointments, the General Assembly is encouraged to select qualified citizens who are committed to improving the teaching profession and student achievement and who represent the racial, geographic, and gender diversity of the State. Before their appointment to this Commission, with the exception of the at-large members, the members must have been actively engaged in the profession of teaching, in the education of students in educator preparation programs, or in the practice of public school administration for at least three years, at least two of which occurred in this State. The members shall serve for two-year terms. Initial terms shall begin September 1, 2017. Vacancies in the membership shall be filled by the General Assembly, as provided in G.S. 120-122, using the same criteria as provided in this subsection.

(d) Organization and Functioning. – The Commission shall elect a chair, a vice-chair, and a secretary from among its membership. In the absence of the chair, the vice-chair shall preside over the Commission's meetings. All members are voting members, and a majority of the Commission constitutes a quorum. The Commission shall adopt rules to govern its proceedings.

(e) Meetings. – Meetings of the Commission shall be held upon the call of the chair or the vice-chair in the absence of the chair. The Superintendent shall call the initial meeting of the Commission.

(f) Compensation and Reimbursement. – Members of the Commission shall receive compensation for their services and reimbursement for expenses incurred in the performance of their duties required by this Article at the rate prescribed in G.S. 138-5 and G.S. 138-6.

(g) Personnel. – The Commission may employ, subject to Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions and fix compensation within the limits of funds available to the Commission.

"§ 115C-268.5. Powers and duties of the Commission.

(a) Duties. – The Commission shall:

- (1) Develop and recommend to the State Board of Education rules related to all aspects of educator preparation programs in accordance with Article 17D of this Chapter.
- (2) Develop and recommend to the State Board of Education rules related to all aspects of professional standards for North Carolina educators in accordance with Article 17E of this Chapter.
- (3) Provide recommendations as requested to the State Board of Education related to the educator preparation programs and professional standards of North Carolina educators.

(b) State Board Approval. – The Commission shall submit its recommendations under subsection (a) of this section to the State Board. The State Board shall adopt or reject the rules recommendations. The State Board shall not make any substantive changes to any rules recommendation that it adopts. If the State Board rejects the rules recommendation, it shall state with specificity its reasons for rejection; the Commission may then amend that rules

1 recommendation and resubmit it to the State Board. The Board shall adopt or reject the amended
2 rules recommendation. If the State Board fails to adopt the Commission's original and amended
3 rule recommendations, the State Board may develop and adopt its own rules.

4 (c) Annual Report. – The Commission shall submit a report by December 1, 2018, and
5 annually thereafter, to the Joint Legislative Education Oversight Committee and the State Board of
6 Education of its activities during the preceding year, together with any recommendations and
7 findings regarding improvement of the teaching profession."

9 **PART II. EDUCATOR PREPARATION PROGRAMS**

10 **SECTION 2.(a)** G.S. 115C-296.8 is repealed.

11 **SECTION 2.(b)** G.S. 115C-296.9 is repealed.

12 **SECTION 2.(c)** G.S. 115C-296.10 is repealed.

13 **SECTION 2.(d)** G.S. 115C-296.11 is repealed.

14 **SECTION 2.(e)** G.S. 115C-296.12 is repealed.

15 **SECTION 2.(f)** G.S. 115C-296.13 is repealed.

16 **SECTION 2.(g)** G.S. 115C-309 is repealed.

17 **SECTION 2.(h)** G.S. 115C-310 is repealed.

18 **SECTION 2.(i)** Subchapter V of Chapter 115C of the General Statutes is amended by
19 adding a new Article to read:

20 "Article 17D.

21 "Educator Preparation Programs.

22 **"§ 115C-269.1. Definitions.**

23 As used in this Article, the following definitions shall apply:

24 (1) Approved EPP. – An EPP that has been approved by the State Board as meeting
25 the requirements established by rule, as provided in G.S. 115C-269.10.

26 (2) Authorized EPP. – An EPP that (i) has met the accountability performance
27 standards described in G.S. 115C-269.35 and (ii) has been approved by the
28 State Board or accredited by CAEP to prepare, train, and recommend students
29 for licensure.

30 (3) CAEP. – Council for the Accreditation of Educator Preparation.

31 (4) Clinical educator. – An individual employed by a partner school, including a
32 classroom teacher, who assesses, supports, and develops a clinical intern's
33 knowledge, skills, and professional disposition during an internship.

34 (5) Clinical intern or intern. – Any student enrolled in a recognized EPP who is
35 jointly assigned by that EPP and a local board of education to teach under the
36 direction and supervision of a clinical educator, as provided in
37 G.S. 115C-269.25.

38 (6) Clinical internship or internship. – Type of field experience in which a clinical
39 intern works under the supervision of a clinical educator and may be delegated
40 those duties granted to an educator by G.S. 115C-307 and any other part of the
41 school program for which the clinical educator is responsible.

42 (7) Clinical mentor or mentor. – An individual employed by an elementary or
43 secondary school, including a classroom teacher, who assesses, supports, and
44 develops a clinical resident's knowledge, skills, and professional disposition
45 during the residency.

46 (8) Clinical residency or residency. – Type of field experience in which a clinical
47 resident who already holds a bachelor's degree is enrolled in a recognized EPP
48 and also employed by a local school administrative unit as an educator and
49 supervised by the recognized EPP in partial fulfillment of the recognized EPP's
50 training requirements.

51 (9) Clinical resident. – Any student who meets the following criteria:

- a. Holds a bachelor's degree.
 - b. Is enrolled in a recognized EPP.
 - c. Is employed by a local school administrative unit as an educator and supervised by the recognized EPP in partial fulfillment of the recognized EPP's training requirements.
- (10) Educator preparation program or EPP. – Any entity that prepares, trains, and recommends students for teacher licensure.
 - (11) Field experience. – Placement of students enrolled in a recognized EPP in settings to provide opportunities to observe, practice, and demonstrate knowledge and skills. A field experience may include preclinical classroom experiences.
 - (12) Field supervisor. – An individual who is employed by a recognized EPP to observe students, monitor their performance, and provide constructive feedback to improve their effectiveness as educators during their clinical internship or residency.
 - (13) Initially authorized EPP. – An EPP that has been either approved by the State Board or accredited by CAEP to prepare, train, and recommend students for licensure, but lacks data required by the performance standards described in G.S. 115C-269.35.
 - (14) Partner school. – An elementary or secondary school located in North Carolina that includes (i) a public school governed by a local board of education, a charter school board of directors, a regional school board of directors, or a UNC laboratory school board of trustees; (ii) a Department of Defense Elementary and Secondary School established pursuant to 10 U.S.C. § 2164; and (iii) a nonpublic school that meets the requirements of Part 1 or 2 of Article 39 of this Chapter.
 - (15) Recognized educator preparation program or recognized EPP. – An entity that is initially authorized or authorized by the State Board to recommend students for educator licensure.
 - (16) Student. – An individual enrolled in a recognized educator preparation program.

"§ 115C-269.5. Educator preparation programs.

(a) Role of EPPs. – An EPP shall prepare students for educator licensure and meet the standards and requirements set forth in this Article. To recommend students for licensure, an EPP shall be recognized by the State Board.

(b) State Board Authority. – The State Board shall initially authorize and recognize an EPP as required by this Article. The State Board shall have authority to regulate EPPs in accordance with this Article.

(c) Initial Authorization. – The State Board shall assign the status of initially authorized to an EPP if it has not yet generated sufficient data to meet the performance standards, but the EPP meets one of the following criteria:

- (1) The EPP is approved by the State Board.
- (2) The EPP is nationally accredited by CAEP.

(d) Authorization. – The State Board shall assign the status of authorized to an EPP if the EPP meets the following criteria:

- (1) The EPP is approved by the State Board or nationally accredited by CAEP.
- (2) The EPP satisfies the performance standards to the extent that the EPP has not been assigned revoked status described in G.S. 115C-269.45.

(e) The State Board shall assign the status of recognized EPP to an EPP that has the status of initially authorized or authorized.

"§ 115C-269.10. Educator preparation program approval process.

1 (a) State Board Authority. – The State Board shall have authority to approve an EPP that
2 meets the requirements established by rule as provided in subsection (b) of this section.

3 (b) Rules for Granting State Approval. – The State Board shall adopt rules for granting
4 approval to EPPs in accordance with this Article. The rules shall ensure the following:

5 (1) A rigorous approval process that requires that the criteria in this Article are met.

6 (2) An application process, peer review, and technical assistance provided by the
7 State Board.

8 (3) An approval period of five years and process for renewal of approval.

9 (c) Minimum Approval Standards. – At a minimum, the rules established as provided in
10 subsection (b) of this section shall include the following standards:

11 (1) Students shall develop a deep understanding of the critical concepts and
12 principles of their discipline and, by completion, be able to use
13 discipline-specific practices flexibly to advance the learning of all students
14 toward attainment of college- and career-ready standards.

15 (2) Effective partnerships and high-quality clinical practice shall be central to
16 preparation so that students develop the knowledge, skills, and professional
17 dispositions necessary to demonstrate positive impact on all elementary and
18 secondary students' learning and development.

19 (3) Quality of students shall be a continuing and purposeful part of the EPP's
20 responsibility from recruitment, at admission, through the progression of
21 courses and field experiences, and to decisions that completers are prepared to
22 teach effectively and are recommended for licensure. The EPP shall
23 demonstrate that development of student quality is the goal of educator
24 preparation in all phases of the program, through evidence of impact under
25 subdivision (4) of this subsection.

26 (4) The EPP shall demonstrate the impact of its completers on elementary and
27 secondary student learning and development, classroom instruction, and
28 schools, and the satisfaction of its completers with the relevance and
29 effectiveness of their preparation.

30 (5) The EPP shall maintain a quality assurance system comprised of valid data
31 from multiple measures, including evidence of students' and completers'
32 positive impact on elementary and secondary student learning and
33 development. The EPP shall support continuous improvement that is sustained
34 and evidence-based and that evaluates the effectiveness of its completers. The
35 EPP shall use the results of inquiry and data collection to establish priorities,
36 enhance program elements and capacity, and test innovations to improve
37 completers' impact on elementary and secondary student learning and
38 development.

39 (d) Application. – An EPP seeking to be approved by the State Board shall complete the
40 application process established by the State Board.

41 (e) Peer Review. – An EPP seeking to be approved by the State Board shall undergo a peer
42 review process established by the State Board that includes highly qualified and trained members
43 to adequately review programs within the State.

44 (f) Technical Assistance. – For EPPs seeking approval, the State Board shall provide
45 technical assistance in efforts to do the following:

46 (1) Improve education quality and EPP performance.

47 (2) Inform EPPs about the program approval process as part of EPP performance
48 based on outcome data.

49 (3) Assist with State and federal reporting processes.

50 (4) Help build and maintain partnerships between elementary and secondary
51 schools and EPPs.

"§ 115C-269.15. Minimum admissions requirements for educator preparation programs.

(a) Testing. – A recognized EPP shall not admit a student until that student has met one of the following criteria:

(1) Attained a passing score or prescribed minimum score set by the State Board for a preprofessional skills test.

(2) Achieved the appropriate required scores, as determined by the State Board, on the verbal and mathematics portions of the SAT or ACT. The minimum combined verbal and mathematics score set by the State Board for the SAT shall be 1,100 or greater. The minimum composite score set by the State Board for the ACT shall be 24 or greater.

(3) Holds a bachelor's degree.

(b) Grade Point Average. – A recognized EPP shall not admit a student into an EPP unless that student has earned a minimum grade point average of at least a 2.7. A recognized EPP shall ensure that the minimum cohort grade point average for each entering cohort to an EPP is at least a 3.0.

"§ 115C-269.20. Content and pedagogy requirements.

(a) Content and Pedagogy Requirements. – To ensure that EPPs remain current and reflect a rigorous course of study that is aligned to State and national standards, the State Board shall require at least the following minimum requirements with demonstrated competencies in its rules:

(1) All EPPs shall include instruction in the following:

a. The identification and education of children with disabilities.

b. Positive management of student behavior and effective communication techniques for defusing and de-escalating disruptive or dangerous behavior.

c. Demonstration of competencies in using digital and other instructional technologies to provide high-quality, integrated digital teaching and learning to all students.

d. The skills and responsibilities required of educators.

e. The expectations for student performance based on State standards.

f. The supply of and demand for educators in this State, as identified in the vacancy report required by G.S. 115C-299.5(e).

g. The State's framework for appraisal of educators.

(2) EPPs providing training for elementary education teachers shall include the following:

a. Adequate coursework in the teaching of reading, writing, and mathematics.

b. Assessment prior to licensure to determine if a student possesses the requisite knowledge in scientifically based reading, writing, and mathematics instruction that is aligned with the State Board's expectations.

c. Instruction in application of formative and summative assessments within the school and classroom setting through technology-based assessment systems available in State schools that measure and predict expected student improvement.

d. Instruction in integration of arts education across the curriculum.

(3) EPPs providing training for elementary and special education general curriculum teachers shall ensure that students receive instruction in early literacy intervention strategies and practices that are aligned with State and national reading standards and shall include the following:

a. Instruction in the teaching of reading, including a substantive understanding of reading as a process involving oral language.

- 1 phonological and phonemic awareness, phonics, fluency, vocabulary,
2 and comprehension. Instruction shall include appropriate application of
3 instructional supports and services and reading interventions to ensure
4 reading proficiency for all students.
5 b. Instruction in evidence-based assessment and diagnosis of specific areas
6 of difficulty with reading development and of reading deficiencies.
7 c. Instruction in appropriate application of instructional supports and
8 services and reading interventions to ensure reading proficiency for all
9 students.
10 (4) EPPs providing training for middle and high school teachers shall include the
11 following:
12 a. Adequate coursework in the relevant content area.
13 b. Adequate coursework in the teaching of the relevant content area.
14 c. For EPPs providing training for science teachers, adequate preparation
15 in issues related to science laboratory safety.

16 **"§ 115C-269.25. Clinical partnerships and practice in educator preparation programs.**

17 (a) Collaborative Partnerships With Elementary and Secondary Schools. – EPPs shall
18 establish and maintain collaborative, formalized partnerships with elementary and secondary
19 partner schools that are focused on student achievement, continuous school improvement, and the
20 professional development of elementary and secondary educators, as well as those preparing
21 educators.

22 (b) Memorandum of Understanding With Local School Administrative Units. – EPPs shall
23 enter into a memorandum of understanding with the local school administrative unit or the partner
24 school where students are placed or employed. In the memorandum, the EPP and the local school
25 administrative unit or partner school, as applicable, shall:

- 26 (1) Define the collaborative relationship between the EPP and the local school
27 administrative unit or partner school and how this partnership will be focused
28 on continuous school improvement and student achievement.
29 (2) Adopt a plan for collaborative clinical educator or mentor selection, orientation,
30 and student placement.
31 (3) Determine how information will be shared and verified between the EPP and
32 the local school administrative unit or partner school.

33 (c) Field Experience Requirements. – To the extent practicable, EPPs shall require, in all
34 programs leading to initial professional licensure, the following:

- 35 (1) Field experiences in every semester that include organized and sequenced
36 engagement of students in settings that provide them with opportunities to
37 observe, practice, and demonstrate knowledge and skills. The experiences shall
38 be systematically designed and sequenced to increase the complexity and levels
39 of engagement with which students apply, reflect upon, and expand their
40 knowledge and skills, and to increase in each semester prior to the student's
41 internship the number of hours spent in field experiences.
42 (2) A minimum of two hours of field experience in the first semester of the
43 program and a cumulative total of at least 12 hours of field experiences prior to
44 the student's internship.
45 (3) At least one field experience in a low-performing school.

46 (d) Clinical Practice Requirements. – EPPs shall require clinical practice in the form of
47 one of the following:

- 48 (1) Internship that lasts for a minimum of 16 weeks. Internships may be over the
49 course of two semesters and shall, to the extent practicable, provide field
50 experiences at both the beginning and ending of the school year. It shall be the
51 responsibility of a clinical educator, in cooperation with the principal and the

- representative of the EPP, to assign to the intern responsibilities and duties that will provide adequate preparation for teaching.
- (2) Residency that meets the following criteria:
- a. The residency lasts for a minimum of one year.
 - b. The EPP provides ongoing support to a student for the full term of the residency.
 - c. The EPP assigns a clinical mentor to the resident.
 - d. The resident completes at least 30 hours of field experience and 150 hours of coursework and/or training prior to the residency.
- (e) Clinical Educator Requirements. – The EPP shall ensure clinical educators who supervise students in internships meet the following requirements:
- (1) Be professionally licensed in the field of licensure sought by the student.
 - (2) Have a minimum of three years of experience in a teaching role.
 - (3) Have been rated, through the educator's most recent formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System, or the equivalent on an evaluation system utilized by another state or partner school, as applicable, and have met expectations as part of a student growth assessment system used by a school in the field of licensure sought by the student.
- (f) Clinical Mentor Requirements. – The EPP shall ensure clinical educators who supervise students in residencies meet the following requirements:
- (1) Be professionally licensed in the field of licensure of the resident.
 - (2) Have a minimum of three years of experience in a teaching role.
 - (3) Have been rated, through the educator's most recent formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System, or the equivalent on an evaluation system utilized by another state or partner school, as applicable, and have met expectations as part of a student growth assessment system used by a school in the field of licensure sought by the student.
- (g) Legal Protection of Interns. – An intern under the supervision of a clinical educator or principal shall have the protection of the laws accorded to a licensed educator.
- (h) Pedagogy Assessment. – EPPs shall require, in addition to a content assessment, a nationally normed and valid pedagogy assessment to determine clinical practice performance. Passing scores and mastery criteria shall be determined by the State Board.
- "§ 115C-269.30. Teacher assistants engaged in internships.**
- (a) Program for Teacher Assistants. – The State Board shall adopt a program to facilitate the process by which teacher assistants may become teachers. Teacher assistants who participate in this program:
- (1) Shall be enrolled in a recognized EPP.
 - (2) Shall be employed in a North Carolina public school.
- (b) Internship Assignments. – Local school administrative units are encouraged to assign teacher assistants to a different classroom during an internship than the classroom they are assigned to as a teacher assistant. To the extent possible, they may be assigned to another school within the same local school administrative unit.
- (c) Salary and Benefits. – At the discretion of the local school administrative unit, teacher assistants may continue to receive their salary and benefits while interning in the same local school administrative unit where they are employed as a teacher assistant.
- (d) Consultation With Institutions of Higher Education. – The State Board shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program.
- "§ 115C-269.35. Accountability for educator preparation programs.**

(a) Performance Measures. – The State Board shall adopt rules necessary to establish standards of performance to govern the continuing accountability of all EPPs. At a minimum, the performance standards shall be based on the following information that is disaggregated with respect to race, sex, and ethnicity:

- (1) Performance based on the standards and criteria for annual evaluations of licensed employees.
- (2) Proficiency and growth of students taught by educators holding an initial professional license, to the extent practicable. When available, EVAAS data shall be used to measure student proficiency and growth.
- (3) Results from an educator satisfaction survey, developed by the State Board with stakeholder input, performed at the end of the educator's first year of teaching after receiving an initial professional license.
- (4) Quality of students entering the EPP, including the average grade point average and average score on preprofessional skills tests or college entrance exams that assess reading, writing, mathematics, and other competencies.

(b) Annual Performance Reports. – The State Board shall require all recognized EPPs to submit annual performance reports. The performance reports shall provide the State Board with a focused review of the EPPs and the current authorization process in order to ensure that the programs produce graduates that are well prepared to teach. At a minimum, the annual report shall contain the following indicators:

- (1) Performance data from subsection (a) of this section.
- (2) Data related to the EPP's compliance with requirements for field supervision of students during their internship and residency experiences.
- (3) The following information, disaggregated by race, sex, and ethnicity:
 - a. The number of students who apply.
 - b. The number of students admitted.
 - c. The number of students retained.
 - d. The number of students completing the program.
 - e. The number of students employed as beginning teachers under initial professional licenses by not later than the first anniversary of completing the program.
 - f. The amount of time required by students employed as beginning teachers under residency licenses to be issued initial professional licenses.
 - g. The number of students retained in the profession.
 - h. Any other information required by federal law.
- (4) The ratio of field supervisors to students completing an internship or residency.
- (5) Graduation rates.
- (6) Time-to-graduation rates.
- (7) Average scores of graduates on professional, pedagogy, and content area examinations for the purpose of licensure.
- (8) Percentage of graduates receiving initial professional licenses.
- (9) The extent to which the program prepares educators, including general education teachers and special education teachers, to effectively teach the following:
 - a. Students with disabilities.
 - b. Students of limited English proficiency.
- (10) The activities offered by the program that are designed to prepare educators to do the following:
 - a. Integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning.

- 1 b. Use technology effectively to collect, manage, and analyze data to
2 improve teaching and learning for the purpose of increasing student
3 academic achievement.
- 4 (11) The perseverance of beginning educators in the profession, as determined on
5 the basis of the number of beginning educators who maintain status as active
6 contributing members in the North Carolina State Employee Retirement System
7 at least three years after licensure in comparison to similar programs.
- 8 (12) The results of surveys given to school principals that involve evaluation of the
9 program's effectiveness in preparing participants to succeed in the classroom,
10 based on experience with employed program participants.
- 11 (13) Any other information necessary to enable the State Board to assess the
12 effectiveness of the program on the basis of educator retention and success
13 criteria adopted by the State Board.
- 14 (c) Submission of Annual Performance Reports. – Performance reports shall be provided
15 annually to the following:
- 16 (1) The State Board.
17 (2) The board of trustees or board of directors of the entity submitting the report.
- 18 (d) Information Requests by EPPs. – The State Board of Education shall annually provide,
19 upon request, the data required to be include in an EPP's annual performance report related to
20 subdivisions (1) and (2) of subsection (a) of this section and subdivision (11) of subsection (b) of
21 this section. The State Board of Education shall provide this information to an EPP as aggregate
22 data and disaggregated by race, sex, and ethnicity. Notwithstanding Article 21A of this Chapter,
23 local school administrative units shall provide to the State Board of Education for the purposes of
24 these information requests any North Carolina Educator Evaluation System effectiveness status
25 assigned to teachers based on queries from the State Board. The State Board of Education shall not
26 report aggregated or disaggregated data to the EPP that reveals confidential information in a
27 teacher's personnel file, as defined by Article 21A of this Chapter, such as making the
28 effectiveness status personally identifiable to an individual teacher.
- 29 **"§ 115C-269.40. Risk factors for educator preparation programs; risk-assessment model.**
- 30 (a) Risk Factor Rules. – The State Board shall adopt rules establishing risk factors for
31 assessment of the overall risk level of each EPP. The set of risk factors shall include the following:
- 32 (1) A history of the EPP's compliance with State law and rules, with consideration
33 given to the following:
- 34 a. The seriousness of any violation of a law or rule.
35 b. Whether the violation resulted in an action being taken against the EPP.
36 c. Whether the violation was promptly remedied by the EPP.
37 d. The number of alleged violations.
38 e. Any other matter considered to be appropriate in evaluating the EPP's
39 compliance history.
- 40 (2) Whether the program meets the accountability performance standards under
41 G.S. 115C-269.35.
- 42 (b) CAEP Accreditation. – The rules for risk factors developed by the State Board may
43 include whether an EPP is accredited by CAEP.
- 44 (c) Use of Risk Factors. – The State Board shall use the rules for risk factors when
45 conducting monitoring, inspections, and compliance audits of EPPs, including evaluations
46 associated with renewals of approval under G.S. 115C-269.10.
- 47 **"§ 115C-269.45. Sanctions.**
- 48 (a) Accountability Statuses. – The State Board shall at least annually review the
49 accountability status of each EPP. The State Board shall adopt rules necessary for the sanction of
50 EPPs that do not meet accountability standards or comply with State law or rules. The rules shall

1 provide for the assignment of warned, probation, or revoked statuses according to the following
2 criteria:

3 (1) Warned. – An EPP shall be assigned warned status if the program meets any of
4 the following criteria:

- 5 a. Fails to meet the performance standards set by the State Board for the
6 overall performance of all its students on any of the indicators set forth
7 in G.S. 115C-269.35(a) in any one year.
8 b. Fails to meet the performance standards in any two sex, race, or
9 ethnicity demographic groups on any of the indicators set forth in
10 G.S. 115C-269.35(a) in any one year.
11 c. Fails to meet the performance standards for a sex, race, or ethnicity
12 demographic group on any of the indicators set forth in
13 G.S. 115C-269.35(a) for two consecutively measured years, regardless
14 of whether the deficiency is in the same demographic group or standard.
15 d. The State Board determines that the EPP has violated applicable laws or
16 rules that should result in warned status.

17 (2) Probation. – An EPP shall be assigned probation status if the program meets
18 any of the following criteria:

- 19 a. Fails to meet the performance standards set by the State Board for the
20 overall performance of all its students on any of the indicators set forth
21 in G.S. 115C-269.35(a) for two consecutively measured years.
22 b. Fails to meet the performance standards in any three sex, race, or
23 ethnicity demographic groups on any of the indicators set forth in
24 G.S. 115C-269.35(a) in any one year.
25 c. Fails to meet the performance standards for a sex, race, or ethnicity
26 demographic group on any of the indicators set forth in
27 G.S. 115C-269.35(a) for three consecutively measured years, regardless
28 of whether the deficiency is in the same demographic group or standard.
29 d. The State Board determines that the EPP has violated applicable laws or
30 rules that should result in probation status.

31 (3) Revoked. – An EPP shall be assigned revoked status and its approval to
32 recommend students for educator licensure revoked if it meets any of the
33 following criteria:

- 34 a. Is assigned probation status for three consecutively measured years.
35 b. Has been on probation status for one year, and the State Board
36 determines that revoking the program's approval is reasonably necessary
37 to achieve the purposes of this Article.

38 (b) Revocation. – Any revocation of an EPP's accountability status shall meet the
39 following criteria:

- 40 (1) Complies with the requirements of notice as described in subsection (f) of this
41 section.
42 (2) Upon assignment of revoked status of EPP approval, the EPP shall not admit
43 new students, but may complete the training of students already admitted by the
44 program and recommend them for licensure. If necessary, the State Board and
45 other EPPs shall cooperate to assist the previously admitted students of the
46 revoked EPP to complete their training.
47 (3) A revocation shall be effective for a period of at least two years. After two
48 years, the program may seek initial authorization to prepare educators for
49 licensure.

(c) Range of Sanctions. – In addition to revocation as provided in subsections (a) and (b) of this section, the rules described in subsection (a) of this section shall provide for the State Board to assign other sanctions deemed necessary, including one or more of the following:

- (1) Requiring the EPP to obtain technical assistance approved by the State Board.
- (2) Requiring the EPP to obtain professional services under contract with another entity.
- (3) Appointing a monitor to participate in and report to the State Board on the activities of the EPP.
- (4) Managing the EPP's enrollment.

(d) Particular Fields of Licensure. – Any sanction authorized or required to be taken against an EPP under subsection (c) of this section may also be taken with regard to a program for a particular field of licensure authorized to be offered by an EPP.

(e) Costs. – Any costs associated with the sanctions under subsection (c) of this section shall be paid by the EPP.

(f) Notice, Hearing, and Appeal. – The State Board shall give written notice to the EPP by certified mail of an EPP's revocation of authorized status, including a written explanation of the basis for the revocation. An EPP may commence a contested case as provided in Article 3 of Chapter 150B of the General Statutes as to the revocation by the State Board.

"§ 115C-269.50. EPP report cards.

The State Board shall create a report card in a common format for each EPP that, at a minimum, summarizes the information collected in the annual performance reports, as set forth in G.S. 115C-269.35(b). The State Board shall make the report cards available to the public through the State Board's Internet Web site on an annual basis beginning December 15, 2019, and shall submit the report to the Joint Legislative Education Oversight Committee annually by that date. The State Board of Education shall also provide the information from each EPP's annual performance report to The Board of Governors of The University of North Carolina to be incorporated into the Teacher Quality Dashboard to provide greater accessibility and comparability of data on the performance of EPPs in the State.

"§ 115C-269.55. Reports of alleged violations regarding educator preparation programs.

(a) Authority. – The State Board shall adopt rules necessary to establish a process for a student to report a violation of this Article to the State Board.

(b) EPP Notice to Students. – The State Board by rule shall require an EPP to notify students of the complaint process adopted under subsection (a) of this section. The notice shall include the appropriate contact information, including name, mailing address, telephone number, and Internet Web site address for the purpose of directing complaints to the State Board. The EPP shall provide for that notification as follows:

- (1) On the Internet Web site of the EPP, if the program maintains a Web site.
- (2) On a sign prominently displayed in program facilities.
- (3) In the student handbook.

(c) Notice of Complaint Process. – The State Board shall post the complaint process adopted under subsection (a) of this section on the State Board's Internet Web site.

(d) Limits on State Board Authority. – The State Board has no authority to mediate, arbitrate, or resolve contractual or commercial issues between an EPP and a student."

SECTION 2.(j) Article 19 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-284.1. School administrator preparation programs.

Rules for approval of school administrator preparation programs shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program."

PART III. EDUCATOR LICENSURE

SECTION 3.(a) G.S. 115C-296 is repealed.

SECTION 3.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-300.1. New teacher induction programs.

(a) Induction Program. – The State Board of Education shall develop a new teacher induction program to provide ongoing support for teachers entering the profession. In developing the program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program.

(b) New Teacher Guidelines. – For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines that address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that teachers holding initial professional licenses not be assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties of these teachers be minimized.

(c) Mentor Teacher Training. – The State Board shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program, including requiring that mentor teachers have been rated, through formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System and have met expectations for student growth.

(d) Mentor Funding. – The State Board of Education shall allot funds for mentoring services to local school administrative units based on the highest number of employees in the preceding three school years who (i) are paid with State, federal, or local funds and (ii) are either teachers paid on the first or second steps of the teacher salary schedule or instructional support personnel paid on the first step of the instructional support personnel salary schedule.

Local school administrative units shall use these funds to provide mentoring support to eligible employees in accordance with a plan approved by the State Board of Education. The plan shall include information on how all mentors in the local school administrative unit will be adequately trained to provide mentoring support."

SECTION 3.(c) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17E.

"Licensure.

"§ 115C-270.1. Definitions.

As used in this Article, the following definitions shall apply:

- (1) Administrator. – An administrator or supervisor who serves in general and program administrator roles, as classified by the State Board. Administrators shall include superintendents, assistant or associate superintendents, principals, assistant principals, or curriculum-instructional specialists.
- (2) Professional educator. – An administrator, teacher, or student services personnel.
- (3) Recognized educator preparation program or recognized EPP. – As defined in G.S. 115C-269.1(15).
- (4) Student services personnel. – An individual providing specialized assistance to students, teachers, administrators, or the education program in general, as classified by the State Board. Student services personnel shall include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.
- (5) Teacher. – An individual whose major responsibility is to either teach or directly supervise teaching, as classified by the State Board.

"§ 115C-270.5. State Board of Education establishes licensure requirements.

1 (a) Authority. – The State Board of Education shall have entire control of licensing all
2 applicants for professional educator positions in all public schools of North Carolina, subject to
3 the requirements of this Article. The State Board shall adopt rules for the issuance, renewal, and
4 extension of all licenses and shall determine and fix the salary for each grade and type of license
5 which it authorizes.

6 (b) Consultation – The State Board shall receive recommendations from the Professional
7 Educator Preparation and Standards Commission and seek input from The University of North
8 Carolina Board of Governors, the State Board of Community Colleges, educator preparation
9 programs, and such other public and private agencies as are necessary in adopting rules required
10 by this Article.

11 **"§ 115C-270.10. Licensure fees.**

12 (a) Fee Schedule. – The State Board of Education shall establish by rule a schedule of fees
13 for professional educator licensure and administrative changes. The fees established under this
14 section shall not exceed the actual cost of providing the service. The schedule may include fees for
15 any of the following services:

- 16 (1) Application for demographic or administrative changes to a license.
- 17 (2) Application for a duplicate license or for copies of documents in the licensure
18 files.
- 19 (3) Application for a renewal, extension, addition, upgrade, reinstatement, and
20 variation to a license.
- 21 (4) Initial application for a new graduate from any recognized educator preparation
22 program.
- 23 (5) Initial application for an out-of-state applicant.
- 24 (6) All other applications.

25 An applicant must pay any nonrefundable or nontransferable service fees at the time an
26 application is submitted.

27 (b) Fee Increase Reporting. – The State Board of Education shall report to the Joint
28 Legislative Education Oversight Committee by March 15 in any year that the amount of fees in
29 the fee schedule established under this section has been modified during the previous 12 months.
30 The report shall include the number of personnel paid from licensure receipts, any change in
31 personnel paid from receipts, other related costs covered by the receipts, and the estimated
32 unexpended receipts as of June 30 of the year reported.

33 **"§ 115C-270.15. Examination requirements for initial professional licenses.**

34 (a) Examination Score Requirements. – The State Board of Education shall require an
35 applicant for an initial professional license to demonstrate the applicant's academic and
36 professional preparation by achieving a prescribed minimum score on a standard examination
37 appropriate and adequate for that purpose. Elementary education (K-6) and special education
38 general curriculum teachers shall also achieve a prescribed minimum score on subtests or standard
39 examinations specific to teaching reading and mathematics.

40 (b) Establishment of Minimum Scores. – The State Board shall adopt rules that establish
41 the minimum scores for any required standard examinations and other measures necessary to
42 assess the qualifications of professional educators as required under this section. For purposes of
43 this section, the State Board shall not be subject to Article 2A of Chapter 150B of the General
44 Statutes. At least 30 days prior to changing any rule adopted under this section, the State Board
45 shall provide written notice to all recognized educator preparation programs and to all local boards
46 of education. The written notice shall include the proposed revised rule. The State Board of
47 Education shall make any required standard initial professional licensure exam rigorous and raise
48 the prescribed minimum score as necessary to ensure that each applicant has received high-quality
49 academic and professional preparation to teach effectively.

50 (c) Time Line for Completion of Examinations. – The State Board of Education shall
51 permit an applicant to fulfill any such testing requirement before or during the applicant's second

1 year of teaching, provided the applicant took the examination at least once during the first year of
2 teaching.

3 **"§ 115C-270.20. Licensure requirements.**

4 (a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the following
5 classes of teacher licenses, including required levels of preparation for each classification:

- 6 (1) Continuing professional license or CPL. – A five-year renewable license issued
7 to a teacher who has at least three years of licensed teaching experience and
8 meets other requirements established by the State Board. A CPL shall remain in
9 effect for five years after retirement.
- 10 (2) Emergency license or EL. – A one-year nonrenewable license issued to an
11 individual who holds a bachelor's degree with coursework relevant to the
12 requested licensure area, but has not successfully completed a recognized
13 educator preparation program and does not qualify for a residency license. An
14 emergency license shall only be requested by the local board of education, and
15 applicants for emergency licenses shall meet all other requirements established
16 by the State Board.
- 17 (3) Initial professional license or IPL. – A three-year nonrenewable license issued
18 to an individual who has successfully completed a recognized educator
19 preparation program and meets other requirements established by the State
20 Board.
- 21 (4) Lifetime license. – A license issued to a teacher after 50 or more years of
22 teaching as a licensed teacher that requires no renewal.
- 23 (5) Residency license or RL. – A one-year license issued to an individual who
24 holds a bachelor's degree with coursework relevant to the requested licensure
25 area, is enrolled in a recognized educator preparation program, and has
26 completed a minimum of 30 hours of field experience and 150 hours of
27 coursework or training. A residency license shall only be requested by the local
28 board of education and shall be accompanied by a certification of supervision
29 from the recognized educator preparation program in which the individual is
30 enrolled. Applicants for residency licenses shall meets all other requirements
31 established by the State Board. A residency license may be renewed once.
- 32 (6) Retirement licensure. – A five-year renewable license issued to a teacher who
33 retired with 30 or more years of teaching experience in North Carolina and who
34 has served as a substitute teacher at least once every three years since
35 retirement.

36 (b) Administrator and Student Services Personnel. – The State Board shall establish
37 classification and levels of preparation necessary for issuance of licenses for administrators and
38 student services personnel.

39 **"§ 115C-270.25. Out-of-state license applicants.**

40 Initial applications from an individual with an out-of-state teacher's license shall require the
41 applicant to provide evidence of that teacher's effectiveness, when available, as measured by the
42 evaluation system used in that applicant's state of current licensure at the time of application,
43 including any growth measures included in that evaluation system. Applications that include the
44 evidence of that educator's effectiveness shall be prioritized for review over initial applications
45 from applicants with out-of-state licenses that do not include that information. An individual who
46 does not include evidence of that teacher's effectiveness with the initial application shall only be
47 eligible for an IPL.

48 **"§ 115C-270.30. Licensure renewal.**

49 (a) Licensure Renewal. – The State Board shall adopt rules establishing the requirements
50 for renewal of all professional educator licenses. These requirements shall reflect rigorous

standards for continuing licensure and shall be aligned with high-quality professional development programs that reflect State priorities for improving student achievement.

(b) Teacher Licensure Renewal. – Rules for continuing licensure for teachers shall include the following:

- (1) For all teachers, at least eight continuing education credits with at least three credits required in a teacher's academic subject area.
- (2) For elementary and middle school teachers, at least three continuing education credits related to literacy. Literacy renewal credits shall include evidence-based assessment, diagnosis, and intervention strategies for students not demonstrating reading proficiency. Oral language, phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.
- (3) For retirement licensure, at least 640 hours of documented substitute teaching each renewal cycle and eight hours of annual professional development approved by a local school administrative unit.
- (4) For all teachers employed by a local board of education, evidence of a rating of at least proficient on the most recent annual evaluation to maintain the current license status. A teacher who is unable to satisfy this requirement, but has been placed on a mandatory improvement plan, may be eligible to receive an IPL if that teacher satisfies all other licensure requirements.

(c) License Renewal Rules Review. – The rules for licensure renewal shall be reviewed at least once every five years by the State Board of Education to do the following:

- (1) Reevaluate and enhance the requirements for renewal of professional educator licenses.
- (2) Consider modifications in the license renewal achievement to make it a mechanism for professional educators to renew continually their knowledge and professional skills.
- (3) Integrate digital teaching and learning into the requirements for licensure renewal.

"§ 115C-270.35. License suspension and revocation.

(a) The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of licenses, subject to the requirements of this section.

(b) Automatic Revocation With No Hearing. – The State Board shall automatically revoke the license of a professional educator without the right to a hearing upon receiving verification of the identity of the professional educator together with a certified copy of a criminal record showing that the professional educator has entered a plea of guilty or nolo contendere to or has been finally convicted of any of the following crimes:

- (1) Murder in the first or second degree, G.S. 14-17.
- (2) Conspiracy or solicitation to commit murder, G.S. 14-18.1.
- (3) Rape or sexual offense, as defined in Article 7B of Chapter 14 of the General Statutes.
- (4) Felonious assault with deadly weapon with intent to kill or inflicting serious injury, G.S. 14-32.
- (5) Kidnapping, G.S. 14-39.
- (6) Abduction of children, G.S. 14-41.
- (7) Crime against nature, G.S. 14-177.
- (8) Incest, G.S. 14-178 or G.S. 14-179.
- (9) Employing or permitting minor to assist in offense against public morality and decency, G.S. 14-190.6.
- (10) Dissemination to minors under the age of 16 years, G.S. 14-190.7.

- (11) Dissemination to minors under the age of 13 years, G.S. 14-190.8.
- (12) Displaying material harmful to minors, G.S. 14-190.14.
- (13) Disseminating harmful material to minors, G.S. 14-190.15.
- (14) First degree sexual exploitation of a minor, G.S. 14-190.16.
- (15) Second degree sexual exploitation of a minor, G.S. 14-190.17.
- (16) Third degree sexual exploitation of a minor, G.S. 14-190.17A.
- (17) Taking indecent liberties with children, G.S. 14-202.1.
- (18) Solicitation of child by computer to commit an unlawful sex act, G.S. 14-202.3.
- (19) Taking indecent liberties with a student, G.S. 14-202.4.
- (20) Prostitution, G.S. 14-204.
- (21) Patronizing a prostitute who is a minor or a mentally disabled person, G.S. 14-205.2(c) or (d).
- (22) Promoting prostitution of a minor or a mentally disabled person, G.S. 14-205.3(b).
- (23) Child abuse under G.S. 14-318.4.

The State Board shall mail notice of its intent to act pursuant to this subsection by certified mail, return receipt requested, directed to the professional educator's last known address. The notice shall inform the professional educator that it will revoke the person's license unless the professional educator notifies the State Board in writing within 10 days after receipt of the notice that the defendant identified in the criminal record is not the same person as the professional educator. If the professional educator provides this written notice to the State Board, the State Board shall not revoke the license unless it can establish as a fact that the defendant and the professional educator are the same person.

(c) Mandatory Revocation. – The State Board shall revoke the license of a professional educator if the State Board receives notification from a local board of education or the Secretary of Health and Human Services that a professional educator has received a rating on any standard that was identified as an area of concern on the mandatory improvement plan that was below proficient or otherwise represented unsatisfactory or below standard performance under G.S. 115C-333(d) and G.S. 115C-333.1(f).

(d) Discretionary Revocation. – The State Board may revoke or refuse to renew a professional educator's license when the Board identifies the school in which the professional educator is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5, and the assistance team assigned to that school makes the recommendation to revoke or refuse to renew the professional educator's license for one or more reasons established by the State Board in its rules for license suspension or revocation.

(e) Subpoena Power. – The State Board may issue subpoenas for the purpose of obtaining documents or the testimony of witnesses in connection with proceedings to suspend or revoke licenses. In addition, the Board shall have the authority to contract with individuals who are qualified to conduct investigations in order to obtain all information needed to assist the Board in the proper disposition of allegations of misconduct by licensed persons."

SECTION 3.(d). Any professional educator license issued by the State Board of Education prior to the effective date of this act shall continue in effect until the expiration of that license. The State Board of Education may continue to issue lateral entry licenses for the 2017-2018 school year in accordance with State Board Policy LICN-001 as it was in effect on the effective date of this act.

PART IV. ENSURE AVAILABILITY OF INFORMATION ON TEACHER VACANCIES

SECTION 4.(a) G.S. 115C-12(22) reads as rewritten:

"(22) Duty to Monitor the State of the Teaching Profession in North Carolina. –

- a. The State Board of Education shall monitor and compile an annual report on the state of the teaching profession in North Carolina that

includes data on the decisions of teachers to leave the teaching profession. The State Board shall adopt standard procedures for each local board of education to use in requesting the information from teachers who are not continuing to work as teachers in the local school administrative unit and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board, profession and data on teaching positions that local boards of education are unable to fill, as provided in G.S. 115C-299.5.

- b. The annual teacher transition report shall include data on the following:
1. The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.
 2. The number of teachers who left their employment to teach in other states.
 3. The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.
 4. The number of teachers who left a classroom position for another type of educational position.
 5. The number of teachers who left employment in hard-to-staff schools. A hard-to-staff school shall be any school identified as low performing, as provided in G.S. 115C-105.37.
 6. The number of teachers who left employment in hard-to-staff subject areas. A hard-to-staff subject area is either of the following:
 - I. As defined by the United States Department of Education.
 - II. A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.

- e. The annual teacher transition report by the State Board of Education shall disaggregate the data included in sub-subdivision b. of this subdivision by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level.

Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment.

The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher."

SECTION 4.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-299.5. Duty to monitor the state of the teaching profession.

(a) Definitions. – As used in this section, the following definitions apply:

- (1) Hard-to-staff school. – Any school identified as low-performing, as provided in G.S. 115C-105.37.
- (2) Hard-to-staff subject area. – A subject area that is either of the following:

- 1 a. As defined by the United States Department of Education.
2 b. A subject area that has resulted in a long-term vacancy of 16 months or
3 more at a particular school in a local school administrative unit.

4 (b) State of the Teaching Profession Report. – The State Board of Education shall monitor
5 and compile an annual report by December 15 annually on the state of the teaching profession in
6 North Carolina that includes data on the decisions of teachers to leave the teaching profession and
7 vacancies in teaching positions as provided in subsections (c) and (e) of this section. The State
8 Board shall adopt standard procedures for each local board of education to use in requesting
9 information required by this report and shall require each local board of education to report the
10 information to the State Board in a standard format adopted by the State Board.

11 (c) Teachers Leaving the Profession. – The report shall include the following data on the
12 decisions of teachers to leave the teaching profession in the prior school year:

- 13 (1) The number of teachers who left the profession without remaining in the field
14 of education and the reasons for teachers leaving the profession.
15 (2) The number of teachers who left their employment to teach in other states.
16 (3) The number of teachers who left their employment to work in another school in
17 North Carolina, including nonpublic schools and charter schools.
18 (4) The number of teachers who left a classroom position for another type of
19 educational position.
20 (5) The number of teachers who left employment in hard-to-staff schools.
21 (6) The number of teachers who left employment in hard-to-staff subject areas.

22 (d) The annual teacher transition report by the State Board of Education shall disaggregate
23 the data included in subsection (c) of this section by teacher effectiveness status at a statewide
24 level. The report shall not disaggregate data on teacher effectiveness status at a local school
25 administrative unit level. Notwithstanding Article 21A of this Chapter, local school administrative
26 units shall provide to the State Board of Education for the purposes of this report any North
27 Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left
28 employment. The State Board of Education shall not report disaggregated data that reveals
29 confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter,
30 such as making the effectiveness status personally identifiable to an individual teacher.

31 (e) Teacher Vacancies. – The report shall include data on teaching positions that local
32 boards of education are unable to fill with a teacher licensed in that subject area by the fortieth
33 school instructional day of the local school administrative unit's calendar. The report shall
34 aggregate all data to provide both statewide information and information specific to each local
35 school administrative units, including the following:

- 36 (1) The number of teacher vacancies by subject area.
37 (2) The number of teacher vacancies by school, with identification of hard-to-staff
38 schools."

39 **SECTION 4.(c)** The State Board of Education shall complete the first annual report on
40 the state of the teaching profession, including information on vacancies in the teaching profession,
41 no later than December 15, 2017.

42 43 **PART V. CONFORMING CHANGES**

44 **SECTION 5.(a)** G.S. 93B-15.1(i) reads as rewritten:

45 "(i) For the purposes of this section, the State Board of Education shall be considered an
46 occupational licensing board when issuing teacher licenses under ~~G.S. 115C-296.~~Article 17E of
47 Subchapter V of Chapter 115C of the General Statutes."

48 **SECTION 5.(b)** G.S. 115C-296.7(g) reads as rewritten:

49 "(g) NC Teaching Corps members shall be granted ~~lateral entry teaching residency~~ licenses
50 pursuant to ~~G.S. 115C-296.12(a).~~Article 17E of this Chapter."

51 **SECTION 5.(c)** G.S. 115C-325.1(6)a. reads as rewritten:

- 1 "a. Who holds at least one of the following licenses issued by the State
2 Board of Education:
3 1. A current ~~standard~~ professional educator's license.
4 2. A current ~~lateral entry teaching~~ residency license.
5 3. A regular, not expired, vocational license."

6 **SECTION 5.(d)** G.S. 115C-325.4(a)(11):

7 "(11) Any cause which constitutes grounds for the revocation of the ~~teacher's~~
8 ~~teaching license or the school administrator's administrator~~ professional
9 educator's license."

10 **SECTION 5.(e)** G.S. 115C-333(d) reads as rewritten:

11 "(d) State Board Notification. – If a local board dismisses an employee of a low-performing
12 school who is a teacher with career status for any reason except a reduction in force under
13 G.S. 115C-325(e)(1)l., or dismisses an employee who is a teacher on contract for cause or elects to
14 not renew an employee's contract as a result of a superintendent's recommendation under
15 subsection (b) or (c) of this section, it shall notify the State Board of the action, and the State
16 Board annually shall provide to all local boards the names of those individuals. If a local board
17 hires one of these individuals, within 60 days the superintendent or the superintendent's designee
18 shall observe the employee, develop a mandatory improvement plan to assist the employee, and
19 submit the plan to the State Board. The State Board shall review the mandatory improvement plan
20 and may provide comments and suggestions to the superintendent. If on the next evaluation the
21 employee receives a rating on any standard that was identified as an area of concern on the
22 mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory
23 or below standard performance, the local board shall notify the State Board and the State Board
24 shall initiate a proceeding to revoke the employee's license under
25 ~~G.S. 115C-296(d).~~ G.S. 115C-270.35. If on this next evaluation the employee receives at least a
26 proficient rating on all of the performance standards that were identified as areas of concern on the
27 mandatory improvement plan, the local board shall notify the State Board that the employee is in
28 good standing and the State Board shall not continue to provide the individual's name to local
29 boards under this subsection unless the employee is a teacher with career status and is
30 subsequently dismissed under G.S. 115C-325 except for a reduction in force, or the employee is a
31 teacher on contract subsequently dismissed under G.S. 115C-325.4."

32 **SECTION 5.(f)** G.S. 115C-333.1(f) reads as rewritten:

33 "(f) State Board Notification. – If a local board dismisses a teacher with career status for
34 any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses a teacher on
35 contract for cause or elects to not renew a teacher's contract as a result of a superintendent's
36 recommendation under subsection (d) of this section, it shall notify the State Board of the action,
37 and the State Board annually shall provide to all local boards the names of those teachers. If a
38 local board hires one of these teachers, within 60 days the superintendent or the superintendent's
39 designee shall observe the teacher, develop a mandatory improvement plan to assist the teacher,
40 and submit the plan to the State Board. The State Board shall review the mandatory improvement
41 plan and may provide comments and suggestions to the superintendent. If on the next evaluation
42 the teacher receives a rating on any standard that was an area of concern on the mandatory
43 improvement plan that is again below proficient or a rating that otherwise represents
44 unsatisfactory or below standard performance, the local board shall notify the State Board, and the
45 State Board shall initiate a proceeding to revoke the teacher's license under
46 ~~G.S. 115C-296(d).~~ G.S. 115C-270.35. If on the next evaluation the teacher receives at least a
47 proficient rating on all of the overall performance standards that were areas of concern on the
48 mandatory improvement plan, the local board shall notify the State Board that the teacher is in
49 good standing, and the State Board shall not continue to provide the teacher's name to local boards
50 under this subsection unless the teacher has career status and is subsequently dismissed under
51 G.S. 115C-325 except for a reduction in force or is a teacher on contract who is subsequently

dismissed under G.S. 115C-325.4. If, however, on this next evaluation the teacher receives a developing rating on any standards that were areas of concern on the mandatory improvement plan, the teacher shall have one more year to bring the rating to proficient if the local board elects to renew the teacher's contract. If by the end of this second year the teacher is not proficient in all standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under ~~G.S. 115C-296(d)~~. G.S. 115C-270.35."

SECTION 5.(g) G.S. 115D-5(p) reads as rewritten:

"(p) The North Carolina Community College System may offer courses, in accordance with ~~the lateral entry program of study established under G.S. 115C-296.12, Article 17D of Subchapter V of Chapter 115C of the General Statutes,~~ to individuals who choose to enter the teaching profession by lateral entry through residency licensure."

SECTION 5.(h) G.S. 116-239.5(a) reads as rewritten:

"(a) The Board of Governors, in consultation with the constituent institutions of The University of North Carolina with educator preparation programs, shall designate eight constituent institutions 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 educator preparation programs as demonstrated by the annual performance measures reported by the constituent institutions in accordance with ~~G.S. 115C-296.13~~. G.S. 115C-269.35."

SECTION 5.(i) G.S. 116-239.13(5) reads as rewritten:

"(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 schools, including the performance elements reported under ~~G.S. 115C-296.13(b)~~. G.S. 115C-269.35."

PART VI. EFFECTIVE DATE

SECTION 6.(a) This act is effective when it becomes law and applies beginning with the 2017-2018 school year.

SECTION 6.(b) Any rules required by this act shall be adopted by February 1, 2018.

SECTION 6.(c) The State Board shall accept applications from EPPs for initial approval no later than March 1, 2018, for EPPs applying to accept students in the 2018-2019 school year.

SECTION 6.(d) An EPP approved by the State Board prior to July 1, 2017, shall be considered initially authorized until the earlier of June 30, 2020, or the date of its five-year renewal.

SECTION 6.(e) All EPPs operating in the State on June 30, 2018, or thereafter shall submit annual performance reports beginning with the 2018-2019 school year. The State Board shall monitor the data quality of the annual performance reports, including checking for statistical anomalies, data availability, and any other issues the State Board deems relevant. The State Board shall report on its monitoring and recommend any legislative changes to the Joint Legislative Education Oversight Committee by December 15, 2020.

SECTION 6.(f) The State Board shall not assign an accountability status to any EPP during the 2018-2019, 2019-2020, or 2020-2021 school years but may require technical assistance to an EPP at the EPP's expense based on reported performance measures. The State Board shall only assign the accountability statuses of "warned" and "probation" during the 2021-2022 and 2022-2023 school years. The State Board may assign the accountability status of "revoked" beginning with the 2023-2024 school year.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 599

Short Title: Excellent Educators for Every Classroom. (Public)

Sponsors: Senators Barefoot (Primary Sponsor); and Smith-Ingram.

Referred to: Rules and Operations of the Senate

April 5, 2017

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE PROFESSIONAL EDUCATOR PREPARATION AND
STANDARDS COMMISSION, TO AUTHORIZE THE EXPANSION OF EDUCATOR
PREPARATION PROGRAMS AND TO CREATE A SYSTEM THAT HOLDS ALL
PROGRAMS ACCOUNTABLE, TO REORGANIZE AND CLARIFY THE EDUCATOR
LICENSURE PROCESS, AND TO ENSURE AVAILABILITY OF INFORMATION ON
TEACHER VACANCIES OCCURRING IN NORTH CAROLINA PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**PART I. NORTH CAROLINA PROFESSIONAL EDUCATOR PREPARATION AND
STANDARDS COMMISSION**

SECTION 1.(a) Subchapter V of Chapter 115C of the General Statutes is amended
by adding a new Article to read:

"Article 17C.

"Professional Educator Preparation and Standards Commission.

"§ 115C-268.1. Professional Educator Preparation and Standards Commission.

(a) Commission. – There is created the Professional Educator Preparation and
Standards Commission (Commission). The purpose of the Commission is to involve
stakeholders in establishing high standards for North Carolina educators. The Commission shall
make rule recommendations regarding all aspects of preparation, licensure, continuing
education, and standards of conduct of public school educators.

(b) Location. – The Commission shall be located administratively under the State Board
of Education but shall exercise its powers and duties independently of the State Board of
Education.

(c) Membership. – The Commission shall consist of the following 16 members:

(1) The General Assembly, upon the recommendation of the President Pro
Tempore of the Senate, shall appoint the following:

a. One superintendent.

b. One principal.

c. One dean, or dean's designee, of an educator preparation program at
a constituent institution of The University of North Carolina.

d. One dean, or dean's designee, of an educator preparation program at
a nonpublic post-secondary educational institution in North Carolina.

e. One elementary school teacher.

f. One middle or high school teacher.

g. One at-large member.



(2) The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint the following:

- a. One superintendent.
- b. One principal.
- c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.
- d. One dean, or dean's designee, of an educator preparation program at a nonpublic post-secondary educational institution in North Carolina.
- e. One elementary school teacher.
- f. One middle or high school teacher.
- g. One at-large member.

(3) The State Teacher of the Year.

(4) The Superintendent of Public Instruction, or his or her designee.

In making appointments, the General Assembly is encouraged to select qualified citizens who are committed to improving the teaching profession and student achievement and who represent the racial, geographic, and gender diversity of the State. Before their appointment to this Commission, with the exception of the at-large members, the members must have been actively engaged in the profession of teaching, in the education of students in educator preparation programs, or in the practice of public school administration for at least three years, at least two of which occurred in this State. The members shall serve for two-year terms. Initial terms shall begin September 1, 2017. Vacancies in the membership shall be filled by the General Assembly, as provided in G.S. 120-122, using the same criteria as provided in this subsection.

(d) Organization and Functioning. – The Commission shall elect a chair, a vice-chair, and a secretary from among its membership. In the absence of the chair, the vice-chair shall preside over the Commission's meetings. All members are voting members, and a majority of the Commission constitutes a quorum. The Commission shall adopt rules to govern its proceedings.

(e) Meetings. – Meetings of the Commission shall be held upon the call of the chair or the vice-chair in the absence of the chair. The Superintendent shall call the initial meeting of the Commission.

(f) Compensation and Reimbursement. – Members of the Commission shall receive compensation for their services and reimbursement for expenses incurred in the performance of their duties required by this Article at the rate prescribed in G.S. 138-5 and G.S. 138-6.

(g) Personnel. – The Commission may employ, subject to Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions and fix compensation within the limits of funds available to the Commission.

"§ 115C-268.5. Powers and duties of the Commission.

(a) Duties. – The Commission shall:

- (1) Develop and recommend to the State Board of Education rules related to all aspects of educator preparation programs in accordance with Article 17D of this Chapter.
- (2) Develop and recommend to the State Board of Education rules related to all aspects of professional standards for North Carolina educators in accordance with Article 17E of this Chapter.
- (3) Provide recommendations as requested to the State Board of Education related to the educator preparation programs and professional standards of North Carolina educators.

(b) State Board Approval. – The Commission shall submit its recommendations under subsection (a) of this section to the State Board. The State Board shall adopt or reject the rules recommendations. The State Board shall not make any substantive changes to any rules

1 recommendation that it adopts. If the State Board rejects the rules recommendation, it shall
2 state with specificity its reasons for rejection; the Commission may then amend that rules
3 recommendation and resubmit it to the State Board. The Board shall adopt or reject the
4 amended rules recommendation. If the State Board fails to adopt the Commission's original and
5 amended rule recommendations, the State Board may develop and adopt its own rules.

6 (c) Annual Report. – The Commission shall submit a report by December 1, 2018, and
7 annually thereafter, to the Joint Legislative Education Oversight Committee and the State
8 Board of Education of its activities during the preceding year, together with any
9 recommendations and findings regarding improvement of the teaching profession."

11 **PART II. EDUCATOR PREPARATION PROGRAMS**

12 **SECTION 2.(a)** G.S. 115C-296.8 is repealed.

13 **SECTION 2.(b)** G.S. 115C-296.9 is repealed.

14 **SECTION 2.(c)** G.S. 115C-296.10 is repealed.

15 **SECTION 2.(d)** G.S. 115C-296.11 is repealed.

16 **SECTION 2.(e)** G.S. 115C-296.12 is repealed.

17 **SECTION 2.(f)** G.S. 115C-296.13 is repealed.

18 **SECTION 2.(g)** G.S. 115C-309 is repealed.

19 **SECTION 2.(h)** G.S. 115C-310 is repealed.

20 **SECTION 2.(i)** Subchapter V of Chapter 115C of the General Statutes is amended
21 by adding a new Article to read:

22 "Article 17D.

23 "Educator Preparation Programs.

24 **"§ 115C-269.1. Definitions.**

25 As used in this Article, the following definitions shall apply:

26 (1) Approved EPP. – An EPP that has been approved by the State Board as
27 meeting the requirements established by rule, as provided in
28 G.S. 115C-269.10.

29 (2) Authorized EPP. – An EPP that (i) has met the accountability performance
30 standards described in G.S. 115C-269.35 and (ii) has been approved by the
31 State Board or accredited by CAEP to prepare, train, and recommend
32 students for licensure.

33 (3) CAEP. – Council for the Accreditation of Educator Preparation.

34 (4) Clinical educator. – An individual employed by a partner school, including a
35 classroom teacher, who assesses, supports, and develops a clinical intern's
36 knowledge, skills, and professional disposition during an internship.

37 (5) Clinical intern or intern. – Any student enrolled in a recognized EPP who is
38 jointly assigned by that EPP and a local board of education to teach under
39 the direction and supervision of a clinical educator, as provided in
40 G.S. 115C-269.25.

41 (6) Clinical internship or internship. – Type of field experience in which a
42 clinical intern works under the supervision of a clinical educator and may be
43 delegated those duties granted to an educator by G.S. 115C-307 and any
44 other part of the school program for which the clinical educator is
45 responsible.

46 (7) Clinical mentor or mentor. – An individual employed by an elementary or
47 secondary school, including a classroom teacher, who assesses, supports,
48 and develops a clinical resident's knowledge, skills, and professional
49 disposition during the residency.

50 (8) Clinical residency or residency. – Type of field experience in which a
51 clinical resident who already holds a bachelor's degree is enrolled in a

recognized EPP and also employed by a local school administrative unit as an educator and supervised by the recognized EPP in partial fulfillment of the recognized EPP's training requirements.

(9) Clinical resident. – Any student who meets the following criteria:

a. Holds a bachelor's degree.

b. Is enrolled in a recognized EPP.

c. Is employed by a local school administrative unit as an educator and supervised by the recognized EPP in partial fulfillment of the recognized EPP's training requirements.

(10) Educator preparation program or EPP. – Any entity that prepares, trains, and recommends students for teacher licensure.

(11) Field experience. – Placement of students enrolled in a recognized EPP in settings to provide opportunities to observe, practice, and demonstrate knowledge and skills. A field experience may include preclinical classroom experiences.

(12) Field supervisor. – An individual who is employed by a recognized EPP to observe students, monitor their performance, and provide constructive feedback to improve their effectiveness as educators during their clinical internship or residency.

(13) Initially authorized EPP. – An EPP that has been either approved by the State Board or accredited by CAEP to prepare, train, and recommend students for licensure, but lacks data required by the performance standards described in G.S. 115C-269.35.

(14) Partner school. – An elementary or secondary school located in North Carolina that includes (i) a public school governed by a local board of education, a charter school board of directors, a regional school board of directors, or a UNC laboratory school board of trustees; (ii) a Department of Defense Elementary and Secondary School established pursuant to 10 U.S.C. § 2164; and (iii) a nonpublic school that meets the requirements of Part 1 or 2 of Article 39 of this Chapter.

(15) Recognized educator preparation program or recognized EPP. – An entity that is initially authorized or authorized by the State Board to recommend students for educator licensure.

(16) Student. – An individual enrolled in a recognized educator preparation program.

"§ 115C-269.5. Educator preparation programs.

(a) Role of EPPs. – An EPP shall prepare students for educator licensure and meet the standards and requirements set forth in this Article. To recommend students for licensure, an EPP shall be recognized by the State Board.

(b) State Board Authority. – The State Board shall initially authorize and recognize an EPP as required by this Article. The State Board shall have authority to regulate EPPs in accordance with this Article.

(c) Initial Authorization. – The State Board shall assign the status of initially authorized to an EPP if it has not yet generated sufficient data to meet the performance standards, but the EPP meets one of the following criteria:

(1) The EPP is approved by the State Board.

(2) The EPP is nationally accredited by CAEP.

(d) Authorization. – The State Board shall assign the status of authorized to an EPP if the EPP meets the following criteria:

(1) The EPP is approved by the State Board or nationally accredited by CAEP.

(2) The EPP satisfies the performance standards to the extent that the EPP has not been assigned revoked status described in G.S. 115C-269.45.

(e) The State Board shall assign the status of recognized EPP to an EPP that has the status of initially authorized or authorized.

"§ 115C-269.10. Educator preparation program approval process.

(a) State Board Authority. – The State Board shall have authority to approve an EPP that meets the requirements established by rule as provided in subsection (b) of this section.

(b) Rules for Granting State Approval. – The State Board shall adopt rules for granting approval to EPPs in accordance with this Article. The rules shall ensure the following:

(1) A rigorous approval process that requires that the criteria in this Article are met.

(2) An application process, peer review, and technical assistance provided by the State Board.

(3) An approval period of five years and process for renewal of approval.

(c) Minimum Approval Standards. – At a minimum, the rules established as provided in subsection (b) of this section shall include the following standards:

(1) Students shall develop a deep understanding of the critical concepts and principles of their discipline and, by completion, be able to use discipline-specific practices flexibly to advance the learning of all students toward attainment of college- and career-ready standards.

(2) Effective partnerships and high-quality clinical practice shall be central to preparation so that students develop the knowledge, skills, and professional dispositions necessary to demonstrate positive impact on all elementary and secondary students' learning and development.

(3) Quality of students shall be a continuing and purposeful part of the EPP's responsibility from recruitment, at admission, through the progression of courses and field experiences, and to decisions that completers are prepared to teach effectively and are recommended for licensure. The EPP shall demonstrate that development of student quality is the goal of educator preparation in all phases of the program, through evidence of impact under subdivision (4) of this subsection.

(4) The EPP shall demonstrate the impact of its completers on elementary and secondary student learning and development, classroom instruction, and schools, and the satisfaction of its completers with the relevance and effectiveness of their preparation.

(5) The EPP shall maintain a quality assurance system comprised of valid data from multiple measures, including evidence of students' and completers' positive impact on elementary and secondary student learning and development. The EPP shall support continuous improvement that is sustained and evidence-based and that evaluates the effectiveness of its completers. The EPP shall use the results of inquiry and data collection to establish priorities, enhance program elements and capacity, and test innovations to improve completers' impact on elementary and secondary student learning and development.

(d) Application. – An EPP seeking to be approved by the State Board shall complete the application process established by the State Board.

(e) Peer Review. – An EPP seeking to be approved by the State Board shall undergo a peer review process established by the State Board that includes highly qualified and trained members to adequately review programs within the State.

(f) Technical Assistance. – For EPPs seeking approval, the State Board shall provide technical assistance in efforts to do the following:

- (1) Improve education quality and EPP performance.
- (2) Inform EPPs about the program approval process as part of EPP performance based on outcome data.
- (3) Assist with State and federal reporting processes.
- (4) Help build and maintain partnerships between elementary and secondary schools and EPPs.

"§ 115C-269.15. Minimum admissions requirements for educator preparation programs.

(a) Testing. – A recognized EPP shall not admit a student until that student has met one of the following criteria:

- (1) Attained a passing score or prescribed minimum score set by the State Board for a preprofessional skills test.
- (2) Achieved the appropriate required scores, as determined by the State Board, on the verbal and mathematics portions of the SAT or ACT. The minimum combined verbal and mathematics score set by the State Board for the SAT shall be 1,100 or greater. The minimum composite score set by the State Board for the ACT shall be 24 or greater.
- (3) Holds a bachelor's degree.

(b) Grade Point Average. – A recognized EPP shall not admit a student into an EPP unless that student has earned a minimum grade point average of at least a 2.7. A recognized EPP shall ensure that the minimum cohort grade point average for each entering cohort to an EPP is at least a 3.0.

"§ 115C-269.20. Content and pedagogy requirements.

(a) Content and Pedagogy Requirements. – To ensure that EPPs remain current and reflect a rigorous course of study that is aligned to State and national standards, the State Board shall require at least the following minimum requirements with demonstrated competencies in its rules:

- (1) All EPPs shall include instruction in the following:
 - a. The identification and education of children with disabilities.
 - b. Positive management of student behavior and effective communication techniques for defusing and de-escalating disruptive or dangerous behavior.
 - c. Demonstration of competencies in using digital and other instructional technologies to provide high-quality, integrated digital teaching and learning to all students.
 - d. The skills and responsibilities required of educators.
 - e. The expectations for student performance based on State standards.
 - f. The supply of and demand for educators in this State, as identified in the vacancy report required by G.S. 115C-299.5(e).
 - g. The State's framework for appraisal of educators.
- (2) EPPs providing training for elementary education teachers shall include the following:
 - a. Adequate coursework in the teaching of reading, writing, and mathematics.
 - b. Assessment prior to licensure to determine if a student possesses the requisite knowledge in scientifically based reading, writing, and mathematics instruction that is aligned with the State Board's expectations.
 - c. Instruction in application of formative and summative assessments within the school and classroom setting through technology-based assessment systems available in State schools that measure and predict expected student improvement.

- 1 d. Instruction in integration of arts education across the curriculum.
2 (3) EPPs providing training for elementary and special education general
3 curriculum teachers shall ensure that students receive instruction in early
4 literacy intervention strategies and practices that are aligned with State and
5 national reading standards and shall include the following:
6 a. Instruction in the teaching of reading, including a substantive
7 understanding of reading as a process involving oral language,
8 phonological and phonemic awareness, phonics, fluency, vocabulary,
9 and comprehension. Instruction shall include appropriate application
10 of instructional supports and services and reading interventions to
11 ensure reading proficiency for all students.
12 b. Instruction in evidence-based assessment and diagnosis of specific
13 areas of difficulty with reading development and of reading
14 deficiencies.
15 c. Instruction in appropriate application of instructional supports and
16 services and reading interventions to ensure reading proficiency for
17 all students.
18 (4) EPPs providing training for middle and high school teachers shall include
19 the following:
20 a. Adequate coursework in the relevant content area.
21 b. Adequate coursework in the teaching of the relevant content area.
22 c. For EPPs providing training for science teachers, adequate
23 preparation in issues related to science laboratory safety.

24 **"§ 115C-269.25. Clinical partnerships and practice in educator preparation programs.**

25 (a) Collaborative Partnerships With Elementary and Secondary Schools. – EPPs shall
26 establish and maintain collaborative, formalized partnerships with elementary and secondary
27 partner schools that are focused on student achievement, continuous school improvement, and
28 the professional development of elementary and secondary educators, as well as those
29 preparing educators.

30 (b) Memorandum of Understanding With Local School Administrative Units. – EPPs
31 shall enter into a memorandum of understanding with the local school administrative unit or the
32 partner school where students are placed or employed. In the memorandum, the EPP and the
33 local school administrative unit or partner school, as applicable, shall:

- 34 (1) Define the collaborative relationship between the EPP and the local school
35 administrative unit or partner school and how this partnership will be
36 focused on continuous school improvement and student achievement.
37 (2) Adopt a plan for collaborative clinical educator or mentor selection,
38 orientation, and student placement.
39 (3) Determine how information will be shared and verified between the EPP and
40 the local school administrative unit or partner school.

41 (c) Field Experience Requirements. – To the extent practicable, EPPs shall require, in
42 all programs leading to initial professional licensure, the following:

- 43 (1) Field experiences in every semester that include organized and sequenced
44 engagement of students in settings that provide them with opportunities to
45 observe, practice, and demonstrate knowledge and skills. The experiences
46 shall be systematically designed and sequenced to increase the complexity
47 and levels of engagement with which students apply, reflect upon, and
48 expand their knowledge and skills, and to increase in each semester prior to
49 the student's internship the number of hours spent in field experiences.

- (2) A minimum of two hours of field experience in the first semester of the program and a cumulative total of at least 12 hours of field experiences prior to the student's internship.
- (3) At least one field experience in a low-performing school.
- (d) Clinical Practice Requirements. – EPPs shall require clinical practice in the form of one of the following:
- (1) Internship that lasts for a minimum of 16 weeks. Internships may be over the course of two semesters and shall, to the extent practicable, provide field experiences at both the beginning and ending of the school year. It shall be the responsibility of a clinical educator, in cooperation with the principal and the representative of the EPP, to assign to the intern responsibilities and duties that will provide adequate preparation for teaching.
- (2) Residency that meets the following criteria:
- a. The residency lasts for a minimum of one year.
- b. The EPP provides ongoing support to a student for the full term of the residency.
- c. The EPP assigns a clinical mentor to the resident.
- d. The resident completes at least 30 hours of field experience and 150 hours of coursework and/or training prior to the residency.
- (e) Clinical Educator Requirements. – The EPP shall ensure clinical educators who supervise students in internships meet the following requirements:
- (1) Be professionally licensed in the field of licensure sought by the student.
- (2) Have a minimum of three years of experience in a teaching role.
- (3) Have been rated, through the educator's most recent formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System, or the equivalent on an evaluation system utilized by another state or partner school, as applicable, and have met expectations as part of a student growth assessment system used by a school in the field of licensure sought by the student.
- (f) Clinical Mentor Requirements. – The EPP shall ensure clinical educators who supervise students in residencies meet the following requirements:
- (1) Be professionally licensed in the field of licensure of the resident.
- (2) Have a minimum of three years of experience in a teaching role.
- (3) Have been rated, through the educator's most recent formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System, or the equivalent on an evaluation system utilized by another state or partner school, as applicable, and have met expectations as part of a student growth assessment system used by a school in the field of licensure sought by the student.
- (g) Legal Protection of Interns. – An intern under the supervision of a clinical educator or principal shall have the protection of the laws accorded to a licensed educator.
- (h) Pedagogy Assessment. – EPPs shall require, in addition to a content assessment, a nationally normed and valid pedagogy assessment to determine clinical practice performance. Passing scores and mastery criteria shall be determined by the State Board.
- "§ 115C-269.30. Teacher assistants engaged in internships.**
- (a) Program for Teacher Assistants. – The State Board shall adopt a program to facilitate the process by which teacher assistants may become teachers. Teacher assistants who participate in this program:
- (1) Shall be enrolled in a recognized EPP.
- (2) Shall be employed in a North Carolina public school.

(b) Internship Assignments. – Local school administrative units are encouraged to assign teacher assistants to a different classroom during an internship than the classroom they are assigned to as a teacher assistant. To the extent possible, they may be assigned to another school within the same local school administrative unit.

(c) Salary and Benefits. – At the discretion of the local school administrative unit, teacher assistants may continue to receive their salary and benefits while interning in the same local school administrative unit where they are employed as a teacher assistant.

(d) Consultation With Institutions of Higher Education. – The State Board shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program.

"§ 115C-269.35. Accountability for educator preparation programs.

(a) Performance Measures. – The State Board shall adopt rules necessary to establish standards of performance to govern the continuing accountability of all EPPs. At a minimum, the performance standards shall be based on the following information that is disaggregated with respect to race, sex, and ethnicity:

- (1) Performance based on the standards and criteria for annual evaluations of licensed employees.
- (2) Proficiency and growth of students taught by educators holding an initial professional license, to the extent practicable. When available, EVAAS data shall be used to measure student proficiency and growth.
- (3) Results from an educator satisfaction survey, developed by the State Board with stakeholder input, performed at the end of the educator's first year of teaching after receiving an initial professional license.
- (4) Quality of students entering the EPP, including the average grade point average and average score on preprofessional skills tests or college entrance exams that assess reading, writing, mathematics, and other competencies.

(b) Annual Performance Reports. – The State Board shall require all recognized EPPs to submit annual performance reports. The performance reports shall provide the State Board with a focused review of the EPPs and the current authorization process in order to ensure that the programs produce graduates that are well prepared to teach. At a minimum, the annual report shall contain the following indicators:

- (1) Performance data from subsection (a) of this section.
- (2) Data related to the EPP's compliance with requirements for field supervision of students during their internship and residency experiences.
- (3) The following information, disaggregated by race, sex, and ethnicity:
 - a. The number of students who apply.
 - b. The number of students admitted.
 - c. The number of students retained.
 - d. The number of students completing the program.
 - e. The number of students employed as beginning teachers under initial professional licenses by not later than the first anniversary of completing the program.
 - f. The amount of time required by students employed as beginning teachers under residency licenses to be issued initial professional licenses.
 - g. The number of students retained in the profession.
 - h. Any other information required by federal law.
- (4) The ratio of field supervisors to students completing an internship or residency.
- (5) Graduation rates.
- (6) Time-to-graduation rates.

- (7) Average scores of graduates on professional, pedagogy, and content area examinations for the purpose of licensure.
- (8) Percentage of graduates receiving initial professional licenses.
- (9) The extent to which the program prepares educators, including general education teachers and special education teachers, to effectively teach the following:
- a. Students with disabilities.
- b. Students of limited English proficiency.
- (10) The activities offered by the program that are designed to prepare educators to do the following:
- a. Integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning.
- b. Use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.
- (11) The perseverance of beginning educators in the profession, as determined on the basis of the number of beginning educators who maintain status as active contributing members in the North Carolina State Employee Retirement System at least three years after licensure in comparison to similar programs.
- (12) The results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants.
- (13) Any other information necessary to enable the State Board to assess the effectiveness of the program on the basis of educator retention and success criteria adopted by the State Board.
- (c) Submission of Annual Performance Reports. – Performance reports shall be provided annually to the following:
- (1) The State Board.
- (2) The Board of Governors of The University of North Carolina, to be incorporated into the Teacher Quality Dashboard.
- (3) The board of trustees or board of directors of the entity submitting the report.
- (d) Information Requests by EPPs. – The State Board of Education shall annually provide, upon request, the data required to be include in an EPP's annual performance report related to subdivisions (1) and (2) of subsection (a) of this section and subdivision (11) of subsection (b) of this section. The State Board of Education shall provide this information to an EPP as aggregate data and disaggregated by race, sex, and ethnicity. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of these information requests any North Carolina Educator Evaluation System effectiveness status assigned to teachers based on queries from the State Board. The State Board of Education shall not report aggregated or disaggregated data to the EPP that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher.
- "§ 115C-269.40. Risk factors for educator preparation programs; risk-assessment model.**
- (a) Risk Factor Rules. – The State Board shall adopt rules establishing risk factors for assessment of the overall risk level of each EPP. The set of risk factors shall include the following:
- (1) A history of the EPP's compliance with State law and rules, with consideration given to the following:
- a. The seriousness of any violation of a law or rule.

- b. Whether the violation resulted in an action being taken against the EPP.
- c. Whether the violation was promptly remedied by the EPP.
- d. The number of alleged violations.
- e. Any other matter considered to be appropriate in evaluating the EPP's compliance history.
- (2) Whether the program meets the accountability performance standards under G.S. 115C-269.35.
- (b) CAEP Accreditation. – The rules for risk factors developed by the State Board may include whether an EPP is accredited by CAEP.
- (c) Use of Risk Factors. – The State Board shall use the rules for risk factors when conducting monitoring, inspections, and compliance audits of EPPs, including evaluations associated with renewals of approval under G.S. 115C-269.10.
- "§ 115C-269.45. Sanctions.**
- (a) Accountability Statuses. – The State Board shall at least annually review the accountability status of each EPP. The State Board shall adopt rules necessary for the sanction of EPPs that do not meet accountability standards or comply with State law or rules. The rules shall provide for the assignment of warned, probation, or revoked statuses according to the following criteria:
- (1) Warned. – An EPP shall be assigned warned status if the program meets any of the following criteria:
- a. Fails to meet the performance standards set by the State Board for the overall performance of all its students on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.
- b. Fails to meet the performance standards in any two sex, race, or ethnicity demographic groups on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.
- c. Fails to meet the performance standards for a sex, race, or ethnicity demographic group on any of the indicators set forth in G.S. 115C-269.35(a) for two consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.
- d. The State Board determines that the EPP has violated applicable laws or rules that should result in warned status.
- (2) Probation. – An EPP shall be assigned probation status if the program meets any of the following criteria:
- a. Fails to meet the performance standards set by the State Board for the overall performance of all its students on any of the indicators set forth in G.S. 115C-269.35(a) for two consecutively measured years.
- b. Fails to meet the performance standards in any three sex, race, or ethnicity demographic groups on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.
- c. Fails to meet the performance standards for a sex, race, or ethnicity demographic group on any of the indicators set forth in G.S. 115C-269.35(a) for three consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.
- d. The State Board determines that the EPP has violated applicable laws or rules that should result in probation status.

(3) Revoked. – An EPP shall be assigned revoked status and its approval to recommend students for educator licensure revoked if it meets any of the following criteria:

- a. Is assigned probation status for three consecutively measured years.
- b. Has been on probation status for one year, and the State Board determines that revoking the program's approval is reasonably necessary to achieve the purposes of this Article.

(b) Revocation. – Any revocation of an EPP's accountability status shall meet the following criteria:

- (1) Complies with the requirements of notice as described in subsection (f) of this section.
- (2) Upon assignment of revoked status of EPP approval, the EPP shall not admit new students, but may complete the training of students already admitted by the program and recommend them for licensure. If necessary, the State Board and other EPPs shall cooperate to assist the previously admitted students of the revoked EPP to complete their training.
- (3) A revocation shall be effective for a period of at least two years. After two years, the program may seek initial authorization to prepare educators for licensure.

(c) Range of Sanctions. – In addition to revocation as provided in subsections (a) and (b) of this section, the rules described in subsection (a) of this section shall provide for the State Board to assign other sanctions deemed necessary, including one or more of the following:

- (1) Requiring the EPP to obtain technical assistance approved by the State Board.
- (2) Requiring the EPP to obtain professional services under contract with another entity.
- (3) Appointing a monitor to participate in and report to the State Board on the activities of the EPP.
- (4) Managing the EPP's enrollment.

(d) Particular Fields of Licensure. – Any sanction authorized or required to be taken against an EPP under subsection (c) of this section may also be taken with regard to a program for a particular field of licensure authorized to be offered by an EPP.

(e) Costs. – Any costs associated with the sanctions under subsection (c) of this section shall be paid by the EPP.

(f) Notice, Hearing, and Appeal. – The State Board shall give written notice to the EPP by certified mail of an EPP's revocation of authorized status, including a written explanation of the basis for the revocation. An EPP may commence a contested case as provided in Article 3 of Chapter 150B of the General Statutes as to the revocation by the State Board.

"§ 115C-269.50. EPP report cards.

The State Board shall create a report card in a common format for each EPP that, at a minimum, summarizes the information collected in the annual performance reports, as set forth in G.S. 115C-269.35(b). The State Board shall make the report cards available to the public through the State Board's Internet Web site on an annual basis beginning December 15, 2019, and shall submit the report to the Joint Legislative Education Oversight Committee annually by that date.

"§ 115C-269.55. Reports of alleged violations regarding educator preparation programs.

(a) Authority. – The State Board shall adopt rules necessary to establish a process for a student to report a violation of this Article to the State Board.

(b) EPP Notice to Students. – The State Board by rule shall require an EPP to notify students of the complaint process adopted under subsection (a) of this section. The notice shall include the appropriate contact information, including name, mailing address, telephone

number, and Internet Web site address for the purpose of directing complaints to the State Board. The EPP shall provide for that notification as follows:

- (1) On the Internet Web site of the EPP, if the program maintains a Web site.
- (2) On a sign prominently displayed in program facilities.
- (3) In the student handbook.

(c) Notice of Complaint Process. – The State Board shall post the complaint process adopted under subsection (a) of this section on the State Board's Internet Web site.

(d) Limits on State Board Authority. – The State Board has no authority to mediate, arbitrate, or resolve contractual or commercial issues between an EPP and a student."

SECTION 2.(j) Article 19 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-284.1. School administrator preparation programs.

Rules for approval of school administrator preparation programs shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program."

PART III. EDUCATOR LICENSURE

SECTION 3.(a) G.S. 115C-296 is repealed.

SECTION 3.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-300.1. New teacher induction programs.

(a) Induction Program. – The State Board of Education shall develop a new teacher induction program to provide ongoing support for teachers entering the profession. In developing the program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program.

(b) New Teacher Guidelines. – For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines that address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that teachers holding initial professional licenses not be assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties of these teachers be minimized.

(c) Mentor Teacher Training. – The State Board shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program, including requiring that mentor teachers have been rated, through formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System and have met expectations for student growth.

(d) Mentor Funding. – The State Board of Education shall allot funds for mentoring services to local school administrative units based on the highest number of employees in the preceding three school years who (i) are paid with State, federal, or local funds and (ii) are either teachers paid on the first or second steps of the teacher salary schedule or instructional support personnel paid on the first step of the instructional support personnel salary schedule.

Local school administrative units shall use these funds to provide mentoring support to eligible employees in accordance with a plan approved by the State Board of Education. The plan shall include information on how all mentors in the local school administrative unit will be adequately trained to provide mentoring support."

SECTION 3.(c) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17E.

"Licensure.

"§ 115C-270.1. Definitions.

As used in this Article, the following definitions shall apply:

- (1) Administrator. – An administrator or supervisor who serves in general and program administrator roles, as classified by the State Board. Administrators shall include superintendents, assistant or associate superintendents, principals, assistant principals, or curriculum-instructional specialists.
- (2) Professional educator. – An administrator, teacher, or student services personnel.
- (3) Recognized educator preparation program or recognized EPP. – As defined in G.S. 115C-269.1(15).
- (4) Student services personnel. – An individual providing specialized assistance to students, teachers, administrators, or the education program in general, as classified by the State Board. Student services personnel shall include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.
- (5) Teacher. – An individual whose major responsibility is to either teach or directly supervise teaching, as classified by the State Board.

"§ 115C-270.5. State Board of Education establishes licensure requirements.

(a) Authority. – The State Board of Education shall have entire control of licensing all applicants for professional educator positions in all public schools of North Carolina, subject to the requirements of this Article. The State Board shall adopt rules for the issuance, renewal, and extension of all licenses and shall determine and fix the salary for each grade and type of license which it authorizes.

(b) Consultation – The State Board shall receive recommendations from the Professional Educator Preparation and Standards Commission and seek input from The University of North Carolina Board of Governors, the State Board of Community Colleges, educator preparation programs, and such other public and private agencies as are necessary in adopting rules required by this Article.

"§ 115C-270.10. Licensure fees.

(a) Fee Schedule. – The State Board of Education shall establish by rule a schedule of fees for professional educator licensure and administrative changes. The fees established under this section shall not exceed the actual cost of providing the service. The schedule may include fees for any of the following services:

- (1) Application for demographic or administrative changes to a license.
- (2) Application for a duplicate license or for copies of documents in the licensure files.
- (3) Application for a renewal, extension, addition, upgrade, reinstatement, and variation to a license.
- (4) Initial application for a new graduate from any recognized educator preparation program.
- (5) Initial application for an out-of-state applicant.
- (6) All other applications.

An applicant must pay any nonrefundable or nontransferable service fees at the time an application is submitted.

(b) Fee Increase Reporting. – The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15 in any year that the amount of fees in the fee schedule established under this section has been modified during the previous 12 months. The report shall include the number of personnel paid from licensure receipts, any change in personnel paid from receipts, other related costs covered by the receipts, and the estimated unexpended receipts as of June 30 of the year reported.

"§ 115C-270.15. Examination requirements for initial professional licenses.

(a) Examination Score Requirements. – The State Board of Education shall require an applicant for an initial professional license to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score on a standard examination appropriate and adequate for that purpose. Elementary education (K-6) and special education general curriculum teachers shall also achieve a prescribed minimum score on subtests or standard examinations specific to teaching reading and mathematics.

(b) Establishment of Minimum Scores. – The State Board shall adopt rules that establish the minimum scores for any required standard examinations and other measures necessary to assess the qualifications of professional educators as required under this section. For purposes of this section, the State Board shall not be subject to Article 2A of Chapter 150B of the General Statutes. At least 30 days prior to changing any rule adopted under this section, the State Board shall provide written notice to all recognized educator preparation programs and to all local boards of education. The written notice shall include the proposed revised rule. The State Board of Education shall make any required standard initial professional licensure exam rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has received high-quality academic and professional preparation to teach effectively.

(c) Time Line for Completion of Examinations. – The State Board of Education shall permit an applicant to fulfill any such testing requirement before or during the applicant's second year of teaching, provided the applicant took the examination at least once during the first year of teaching.

"§ 115C-270.20. Licensure requirements.

(a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the following classes of teacher licenses, including required levels of preparation for each classification:

- (1) Continuing professional license or CPL. – A five-year renewable license issued to a teacher who has at least three years of licensed teaching experience and meets other requirements established by the State Board. A CPL shall remain in effect for five years after retirement.
- (2) Emergency license or EL. – A one-year nonrenewable license issued to an individual who holds a bachelor's degree with coursework relevant to the requested licensure area, but has not successfully completed a recognized educator preparation program and does not qualify for a residency license. An emergency license shall only be requested by the local board of education, and applicants for emergency licenses shall meet all other requirements established by the State Board.
- (3) Initial professional license or IPL. – A three-year nonrenewable license issued to an individual who has successfully completed a recognized educator preparation program and meets other requirements established by the State Board.
- (4) Lifetime license. – A license issued to a teacher after 50 or more years of teaching as a licensed teacher that requires no renewal.
- (5) Residency license or RL. – A one-year license issued to an individual who holds a bachelor's degree with coursework relevant to the requested licensure area, is enrolled in a recognized educator preparation program, and has completed a minimum of 30 hours of field experience and 150 hours of coursework or training. A residency license shall only be requested by the local board of education and shall be accompanied by a certification of supervision from the recognized educator preparation program in which the individual is enrolled. Applicants for residency licenses shall meet all other requirements established by the State Board. A residency license may be renewed once.

(6) Retirement licensure. – A five-year renewable license issued to a teacher who retired with 30 or more years of teaching experience in North Carolina and who has served as a substitute teacher at least once every three years since retirement.

(b) Administrator and Student Services Personnel. – The State Board shall establish classification and levels of preparation necessary for issuance of licenses for administrators and student services personnel.

"§ 115C-270.25. Out-of-state license applicants.

Initial applications from an individual with an out-of-state teacher's license shall require the applicant to provide evidence of that teacher's effectiveness, when available, as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that evaluation system. Applications that include the evidence of that educator's effectiveness shall be prioritized for review over initial applications from applicants with out-of-state licenses that do not include that information. An individual who does not include evidence of that teacher's effectiveness with the initial application shall only be eligible for an IPL.

"§ 115C-270.30. Licensure renewal.

(a) Licensure Renewal. – The State Board shall adopt rules establishing the requirements for renewal of all professional educator licenses. These requirements shall reflect rigorous standards for continuing licensure and shall be aligned with high-quality professional development programs that reflect State priorities for improving student achievement.

(b) Teacher Licensure Renewal. – Rules for continuing licensure for teachers shall include the following:

- (1) For all teachers, at least eight continuing education credits with at least three credits required in a teacher's academic subject area.
- (2) For elementary and middle school teachers, at least three continuing education credits related to literacy. Literacy renewal credits shall include evidence-based assessment, diagnosis, and intervention strategies for students not demonstrating reading proficiency. Oral language, phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.
- (3) For retirement licensure, at least 640 hours of documented substitute teaching each renewal cycle and eight hours of annual professional development approved by a local school administrative unit.
- (4) For all teachers employed by a local board of education, evidence of a rating of at least proficient on the most recent annual evaluation to maintain the current license status. A teacher who is unable to satisfy this requirement, but has been placed on a mandatory improvement plan, may be eligible to receive an IPL if that teacher satisfies all other licensure requirements.

(c) License Renewal Rules Review. – The rules for licensure renewal shall be reviewed at least once every five years by the State Board of Education to do the following:

- (1) Reevaluate and enhance the requirements for renewal of professional educator licenses.
- (2) Consider modifications in the license renewal achievement to make it a mechanism for professional educators to renew continually their knowledge and professional skills.
- (3) Integrate digital teaching and learning into the requirements for licensure renewal.

"§ 115C-270.35. License suspension and revocation.

1 (a) The State Board shall adopt rules to establish the reasons and procedures for the
2 suspension and revocation of licenses, subject to the requirements of this section.

3 (b) Automatic Revocation With No Hearing. – The State Board shall automatically
4 revoke the license of a professional educator without the right to a hearing upon receiving
5 verification of the identity of the professional educator together with a certified copy of a
6 criminal record showing that the professional educator has entered a plea of guilty or nolo
7 contendere to or has been finally convicted of any of the following crimes:

- 8 (1) Murder in the first or second degree, G.S. 14-17.
- 9 (2) Conspiracy or solicitation to commit murder, G.S. 14-18.1.
- 10 (3) Rape or sexual offense, as defined in Article 7B of Chapter 14 of the
11 General Statutes.
- 12 (4) Felonious assault with deadly weapon with intent to kill or inflicting serious
13 injury, G.S. 14-32.
- 14 (5) Kidnapping, G.S. 14-39.
- 15 (6) Abduction of children, G.S. 14-41.
- 16 (7) Crime against nature, G.S. 14-177.
- 17 (8) Incest, G.S. 14-178 or G.S. 14-179.
- 18 (9) Employing or permitting minor to assist in offense against public morality
19 and decency, G.S. 14-190.6.
- 20 (10) Dissemination to minors under the age of 16 years, G.S. 14-190.7.
- 21 (11) Dissemination to minors under the age of 13 years, G.S. 14-190.8.
- 22 (12) Displaying material harmful to minors, G.S. 14-190.14.
- 23 (13) Disseminating harmful material to minors, G.S. 14-190.15.
- 24 (14) First degree sexual exploitation of a minor, G.S. 14-190.16.
- 25 (15) Second degree sexual exploitation of a minor, G.S. 14-190.17.
- 26 (16) Third degree sexual exploitation of a minor, G.S. 14-190.17A.
- 27 (17) Taking indecent liberties with children, G.S. 14-202.1.
- 28 (18) Solicitation of child by computer to commit an unlawful sex act,
29 G.S. 14-202.3.
- 30 (19) Taking indecent liberties with a student, G.S. 14-202.4.
- 31 (20) Prostitution, G.S. 14-204.
- 32 (21) Patronizing a prostitute who is a minor or a mentally disabled person,
33 G.S. 14-205.2(c) or (d).
- 34 (22) Promoting prostitution of a minor or a mentally disabled person,
35 G.S. 14-205.3(b).
- 36 (23) Child abuse under G.S. 14-318.4.

37 The State Board shall mail notice of its intent to act pursuant to this subsection by certified
38 mail, return receipt requested, directed to the professional educator's last known address. The
39 notice shall inform the professional educator that it will revoke the person's license unless the
40 professional educator notifies the State Board in writing within 10 days after receipt of the
41 notice that the defendant identified in the criminal record is not the same person as the
42 professional educator. If the professional educator provides this written notice to the State
43 Board, the State Board shall not revoke the license unless it can establish as a fact that the
44 defendant and the professional educator are the same person.

45 (c) Mandatory Revocation. – The State Board shall revoke the license of a professional
46 educator if the State Board receives notification from a local board of education or the
47 Secretary of Health and Human Services that a professional educator has received a rating on
48 any standard that was identified as an area of concern on the mandatory improvement plan that
49 was below proficient or otherwise represented unsatisfactory or below standard performance
50 under G.S. 115C-333(d) and G.S. 115C-333.1(f).

(d) Discretionary Revocation. – The State Board may revoke or refuse to renew a professional educator's license when the Board identifies the school in which the professional educator is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5, and the assistance team assigned to that school makes the recommendation to revoke or refuse to renew the professional educator's license for one or more reasons established by the State Board in its rules for license suspension or revocation.

(e) Subpoena Power. – The State Board may issue subpoenas for the purpose of obtaining documents or the testimony of witnesses in connection with proceedings to suspend or revoke licenses. In addition, the Board shall have the authority to contract with individuals who are qualified to conduct investigations in order to obtain all information needed to assist the Board in the proper disposition of allegations of misconduct by licensed persons."

PART IV. CONFORMING CHANGES

SECTION 4.(a) G.S. 93B-15.1(i) reads as rewritten:

"(i) For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under ~~G.S. 115C-296.~~Article 17E of Subchapter V of Chapter 115C of the General Statutes."

SECTION 4.(b) G.S. 115C-296.7(g) reads as rewritten:

"(g) NC Teaching Corps members shall be granted ~~lateral entry teaching residency~~ licenses pursuant to ~~G.S. 115C-296.12(a).~~Article 17E of this Chapter."

SECTION 4.(c) G.S. 115C-333(d) reads as rewritten:

"(d) State Board Notification. – If a local board dismisses an employee of a low-performing school who is a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses an employee who is a teacher on contract for cause or elects to not renew an employee's contract as a result of a superintendent's recommendation under subsection (b) or (c) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those individuals. If a local board hires one of these individuals, within 60 days the superintendent or the superintendent's designee shall observe the employee, develop a mandatory improvement plan to assist the employee, and submit the plan to the State Board. The State Board shall review the mandatory improvement plan and may provide comments and suggestions to the superintendent. If on the next evaluation the employee receives a rating on any standard that was identified as an area of concern on the mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board and the State Board shall initiate a proceeding to revoke the employee's license under ~~G.S. 115C-296(d).~~G.S. 115C-270.35. If on this next evaluation the employee receives at least a proficient rating on all of the performance standards that were identified as areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the employee is in good standing and the State Board shall not continue to provide the individual's name to local boards under this subsection unless the employee is a teacher with career status and is subsequently dismissed under G.S. 115C-325 except for a reduction in force, or the employee is a teacher on contract subsequently dismissed under G.S. 115C-325.4."

SECTION 4.(d) G.S. 115C-333.1(f) reads as rewritten:

"(f) State Board Notification. – If a local board dismisses a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses a teacher on contract for cause or elects to not renew a teacher's contract as a result of a superintendent's recommendation under subsection (d) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those teachers. If a local board hires one of these teachers, within 60 days the superintendent or the superintendent's designee shall observe the teacher, develop a mandatory improvement plan to

1 assist the teacher, and submit the plan to the State Board. The State Board shall review the
2 mandatory improvement plan and may provide comments and suggestions to the
3 superintendent. If on the next evaluation the teacher receives a rating on any standard that was
4 an area of concern on the mandatory improvement plan that is again below proficient or a
5 rating that otherwise represents unsatisfactory or below standard performance, the local board
6 shall notify the State Board, and the State Board shall initiate a proceeding to revoke the
7 teacher's license under ~~G.S. 115C-296(d)~~. G.S. 115C-270.35. If on the next evaluation the
8 teacher receives at least a proficient rating on all of the overall performance standards that were
9 areas of concern on the mandatory improvement plan, the local board shall notify the State
10 Board that the teacher is in good standing, and the State Board shall not continue to provide the
11 teacher's name to local boards under this subsection unless the teacher has career status and is
12 subsequently dismissed under G.S. 115C-325 except for a reduction in force or is a teacher on
13 contract who is subsequently dismissed under G.S. 115C-325.4. If, however, on this next
14 evaluation the teacher receives a developing rating on any standards that were areas of concern
15 on the mandatory improvement plan, the teacher shall have one more year to bring the rating to
16 proficient if the local board elects to renew the teacher's contract. If by the end of this second
17 year the teacher is not proficient in all standards that were areas of concern on the mandatory
18 improvement plan, the local board shall notify the State Board, and the State Board shall
19 initiate a proceeding to revoke the teacher's license under
20 ~~G.S. 115C-296(d)~~. G.S. 115C-270.35."

21 **SECTION 4.(e)** G.S. 115D-5(p) reads as rewritten:

22 "(p) The North Carolina Community College System may offer courses, in accordance
23 with ~~the lateral entry program of study established under G.S. 115C-296.12, Article 17D of~~
24 Subchapter V of Chapter 115C of the General Statutes, to individuals who choose to enter the
25 teaching profession ~~by lateral entry through residency licensure.~~"

26 **SECTION 4.(f)** G.S. 116-239.5(a) reads as rewritten:

27 "(a) The Board of Governors, in consultation with the constituent institutions of The
28 University of North Carolina with educator preparation programs, shall designate eight
29 constituent institutions to establish laboratory schools to serve public school students in
30 accordance with the provisions of this Article. The Board of Governors shall select eight
31 constituent institutions with quality educator preparation programs as demonstrated by the
32 annual performance measures reported by the constituent institutions in accordance with
33 ~~G.S. 115C-296.13~~. G.S. 115C-269.35."

34 **SECTION 4.(g)** G.S. 116-239.13(5) reads as rewritten:

35 "(5) Information on the student outcomes for students who are enrolled in each
36 educator preparation program who obtained clinical experience in school
37 leadership and teaching in the lab schools, including the performance
38 elements reported under ~~G.S. 115C-296.13(b)~~. G.S. 115C-269.35."

39 40 **PART V. ENSURE AVAILABILITY OF INFORMATION ON TEACHER** 41 **VACANCIES**

42 **SECTION 5.(a)** G.S. 115C-12(22) reads as rewritten:

43 "(22) Duty to Monitor the State of the Teaching Profession in North Carolina. --

44 ~~æ.~~ The State Board of Education shall monitor and compile an annual
45 report on the state of the teaching profession in North Carolina that
46 includes data on the decisions of teachers to leave the teaching
47 profession. ~~The State Board shall adopt standard procedures for each~~
48 ~~local board of education to use in requesting the information from~~
49 ~~teachers who are not continuing to work as teachers in the local~~
50 ~~school administrative unit and shall require each local board of~~
51 ~~education to report the information to the State Board in a standard~~

~~format adopted by the State Board, profession and data on teaching positions that local boards of education are unable to fill, as provided in G.S. 115C-299.5.~~

~~b. The annual teacher transition report shall include data on the following:~~

- ~~1. The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.~~
- ~~2. The number of teachers who left their employment to teach in other states.~~
- ~~3. The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.~~
- ~~4. The number of teachers who left a classroom position for another type of educational position.~~
- ~~5. The number of teachers who left employment in hard-to-staff schools. A hard-to-staff school shall be any school identified as low-performing, as provided in G.S. 115C-105.37.~~
- ~~6. The number of teachers who left employment in hard-to-staff subject areas. A hard-to-staff subject area is either of the following:~~
 - ~~I. As defined by the United States Department of Education.~~
 - ~~II. A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.~~

~~e. The annual teacher transition report by the State Board of Education shall disaggregate the data included in sub-subdivision b. of this subdivision by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level.~~

~~Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment.~~

~~The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher."~~

SECTION 5.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-299.5 Duty to monitor the state of the teaching profession.

(a) Definitions. – As used in this section, the following definitions apply:

- (1) Hard-to-staff school.** – Any school identified as low-performing, as provided in G.S. 115C-105.37.
- (2) Hard-to-staff subject area.** – A subject area that is either of the following:
 - a.** As defined by the United States Department of Education.
 - b.** A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.

(b) State of the Teaching Profession Report. – The State Board of Education shall monitor and compile an annual report by December 15 annually on the state of the teaching profession in North Carolina that includes data on the decisions of teachers to leave the teaching profession and vacancies in teaching positions as provided in subsections (c) and (e) of this section. The State Board shall adopt standard procedures for each local board of education to use in requesting information required by this report and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board.

(c) Teachers Leaving the Profession. – The report shall include the following data on the decisions of teachers to leave the teaching profession in the prior school year:

- (1) The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.
- (2) The number of teachers who left their employment to teach in other states.
- (3) The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.
- (4) The number of teachers who left a classroom position for another type of educational position.
- (5) The number of teachers who left employment in hard-to-staff schools.
- (6) The number of teachers who left employment in hard-to-staff subject areas.

(d) The annual teacher transition report by the State Board of Education shall disaggregate the data included in subsection (c) of this section by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment. The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher.

(e) Teacher Vacancies. – The report shall include data on teaching positions that local boards of education are unable to fill with a teacher licensed in that subject area by the fortieth school instructional day of the local school administrative unit's calendar. The report shall aggregate all data to provide both statewide information and information specific to each local school administrative units, including the following:

- (1) The number of teacher vacancies by subject area.
- (2) The number of teacher vacancies by school, with identification of hard-to-staff schools."

SECTION 5.(c) The State Board of Education shall complete the first annual report on the state of the teaching profession, including information on vacancies in the teaching profession, no later than December 15, 2017.

PART VI. EFFECTIVE DATE

SECTION 6.(a) This act is effective when it becomes law and applies beginning with the 2017-2018 school year.

SECTION 6.(b) Any rules required by this act shall be adopted by February 1, 2018.

SECTION 6.(c) The State Board shall accept applications from EPPs for initial approval no later than March 1, 2018, for EPPs applying to accept students in the 2018-2019 school year.

1 **SECTION 6.(d)** An EPP approved by the State Board prior to July 1, 2017, shall
2 be considered initially authorized until the earlier of June 30, 2020, or the date of its five-year
3 renewal.

4 **SECTION 6.(e)** All EPPs operating in the State on June 30, 2018, or thereafter
5 shall submit annual performance reports beginning with the 2018-2019 school year. The State
6 Board shall monitor the data quality of the annual performance reports, including checking for
7 statistical anomalies, data availability, and any other issues the State Board deems relevant. The
8 State Board shall report on its monitoring and recommend any legislative changes to the Joint
9 Legislative Education Oversight Committee by December 15, 2020.

10 **SECTION 6.(f)** The State Board shall not assign an accountability status to any
11 EPP during the 2018-2019, 2019-2020, or 2020-2021 school years but may require technical
12 assistance to an EPP at the EPP's expense based on reported performance measures. The State
13 Board shall only assign the accountability statuses of "warned" and "probation" during the
14 2021-2022 and 2022-2023 school years. The State Board may assign the accountability status
15 of "revoked" beginning with the 2023-2024 school year.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 599

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

S599-ATC-69 [v.3]

Page 1 of 1

Amends Title [NO]
S599-CSBE-23v5

Date _____, 2017

Senator Barefoot

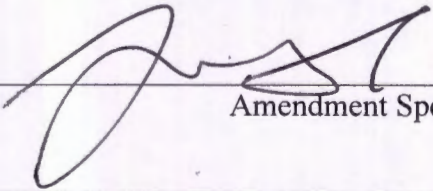
1 moves to amend the bill on page 15, lines 38-39, by inserting a new subsection to read:

2
3 "(c) Notwithstanding the requirement in subsection (a) of this section that an individual
4 must hold a bachelor's degree with coursework relevant to the requested licensure area, for
5 individuals seeking licensure in a career or technical education area, the State Board of
6 Education may establish alternate criteria related to that area to establish competency in lieu of
7 a bachelor's degree."

8
9 and on page 20, lines 1-5, by rewriting those lines to read:

- 10
11 "a. Who holds at least one of the following licenses issued by the State
12 Board of Education:
13 1. A current standard professional educator's license.
14 2. A current lateral entry teaching license.
15 3. A regular, not expired, vocational license."

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* S 5 9 9 - A T C - 6 9 - V - 3 *



Senate Committee
On
Education/Higher Education

May 17, 2017

Room 544

12:00 PM

Senate Sergeant at Arms

Larry Hancock
Charles Marsalis
Frances Patterson



Senate Pages Attending

COMMITTEE: Education / Higher Education ROOM: 544

DATE: 5-17 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!!!

	Page Name	Hometown	Sponsoring Senator
1.	Anna Conger	Raleigh	Sen. J. Jackson
2.	Makenzie Waites	Raleigh	sen. P. Berger
3.	Cassi Phillips	Spruce Pine	Sen. R. Hise
4.	Chloe deBews (da-Buse)	Asheville	Sen. T. Vandryn
5.	Elliott Anderson	Wilmington	sen. Micheal Lee
6.	Sally Davis	Lexington	Sen. C. Dunn
7.			
8.			

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.



Speakers:

Name

Debbie Hilder

Firm or agency

DP1 / S13E



Education/Higher Education

May 17, 2017 – Room 544 – 12:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Sammy Bauer	NCDPI
S. Austin Cavanaugh	NCDPI
Jessica Jenkins	NCDPI
Libby Seguin	NCDPI
Bruce Milderwolf	NCSBA
Mark Lanier	UNCW
Tom West	NCIEN
Andrew Cagle	UNC G
Jonathan Kappler	UNC GA
SSA	MSU
David Powers	UNC BOG
Tiffany Perkins	NCDPI
Katie Gammon	Governor's office
Tim Longest	Sen. Jign Chaudhary
Margie Fulman	NCAE
Bruce DeChavez	UNC
Mary Shuping	NCCCS
Catherine Truitt	UNC GA





Education/Higher Education

May 17, 2017 – Room 544 – 12:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Cecilia Holden	DPI/SBE
Robb Jansen	DPI/SBE
Chris Brownston	MWC
Leanne Whitmer	NCSBA
Scott Sugar	LSO
W. Gardner Culp	PPHD
Richard Bostic	NC SBA
Chris Fasham	Sen. Boninger
Lafanya Paffilio	Governor's Office
Adam Prudence	INCAASA
McH Ellinwood	NC Justice Center
Martez Hill	SBE
Angel Sams	Delva's Sams
Lauren Duv...	Delva's Sams
Betty Doster	UNC
Cassan Thi	MVA



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**Senate Committee on Education/Higher Education
Tuesday, May 23, 2017 at 4:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 4:00 PM on May 23, 2017, in Room 544 of the Legislative Office Building. 13 members were present.

Senator David Curtis, presided.

Senator Curtis opened the meeting and recognized the Senate Pages.

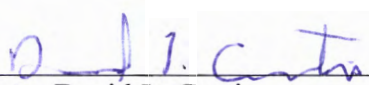
SB 599 Excellent Educators for Every Classroom. (Senator Barefoot)

Senator Barefoot spoke to the bill. Amendment S599-ABE-41 [v.5] introduced and Sen. Barefoot presented. Sen. Smith-Ingram moved to Adopt the Amendment and it was Adopted. Senator Waddell presented Amendment S599-ATC-73 [v.4] and the Amendment Failed. Senator Smith-Ingram presented Amendment S599-ATC-71 [v.4] and the Amendment Failed. Senator Smith-Ingram presented Amendment S599-ATC-72 [v.3] and the Amendment Failed. Senator Smith-Ingram presented Amendment S599-ATC-74 [v.3] and a technical correction was made, due to a drafting error, which moves to amend the bill on "page 16, line 5" from "page 15, line 42", in line one of the Amendment. The Amendment Failed.

HB 486 National Guard Tuition Assistance Program. (Representatives G. Martin, Szoka)

Senator Cook motioned and Sen. Rabin made a second to hear the bill. Representative Grier Martin spoke to the bill. The bill was discussed and tabled to be heard in the next meeting.

The meeting adjourned at 5:00 p.m.



Senator David L. Curtis
Presiding



Lynn Tennant, Committee Clerk



**Senate Committee on Education/Higher Education
Tuesday, May 23, 2017, 4:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 599	Excellent Educators for Every Classroom.	Senator Barefoot
HB 486	National Guard Tuition Assistance Program.	Representative G. Martin Representative Szoka

Adjournment





SENATE BILL 599: Excellent Educators for Every Classroom.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 23, 2017
Introduced by:	Sen. Barefoot	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition S599-CSBE-24		Committee Co-Counsel

OVERVIEW: *Senate Bill 599 would do the following:*

- *Establish the Professional Educator Preparation and Standards (PEPS) Commission*
- *Authorize entities meeting certain criteria to become an approved educator preparation program (EPP)*
- *Establish a residency model to replace lateral entry, providing additional support for those teaching as their second career*
- *Create a structured EPP accountability system*
- *Clarify the educator licensure process*
- *Ensure availability of information on teacher vacancies occurring in North Carolina public schools*

The PCS would:

- *Authorize the PEPS Commission to recommend to the State Board of Education (State Board) to set preservice requirements for both residency and emergency licensees*
- *Authorize the State Board to continue to issue lateral entry licenses through 2018-2019*
- *Add two personnel administrators from local school districts to the PEPS Commission*
- *Clarify that school districts may hire individuals who have not yet completed their preservice requirements, as long as those individuals do not teach until the requirements are complete*
- *Clarify specific duties of the PEPS Commission*

PART I

BILL ANALYSIS: G.S. 115C-269.1 would establish the Professional Educator Preparation and Standards (PEPS) Commission. The PEPS Commission would be independent of the State Board of Education (State Board) and would recommend standards for educator preparation, licensure, continuing education, and conduct to the State Board.

PART II

EPP APPROVAL PROCESS

CURRENT LAW: Under G.S. 115C-296.8, the State Board may approve any institution of higher education as an EPP, provided that it meets standards required by statute and rule. The statutory standards require that the EPP:

- Either be State-approved or nationally accredited.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate PCS 599

Page 2

- Maintain minimum admission standards, such as satisfactory scores on the Praxis I and a minimum GPA of 2.7 (with an average GPA of at least 3.0 for each cohort).
- Provide instruction in certain areas, such as the identification of children with disabilities, positive behavior management, and digital instruction. Additional instruction is required for particular licensure areas.
- Require students to participate in field experiences each semester, gradually increasing in time and intensity as each semester goes on. Student teaching must take place for a minimum of 16 weeks.
- Require that clinical educators, who supervise student teachers, be licensed, have a minimum of 3 years of experience in a teaching role, and be rated as accomplished on the NC evaluation system.
- Maintain a collaborative partnership with elementary schools and secondary schools and enter into a memorandum of understanding (MOU) with local school administrative units where students are placed, defining joint expectations for a collaborative process.

BILL ANALYSIS: G.S. 115C-269.1 would create explicit definitions for words used throughout Article 20A.

Particularly relevant changes include:

- EPPs: Any entity approved by the State Board rather than only institutions of higher education.
- Approved EPPs: EPPs that have met the requirements of the State Board in lieu of national accreditation.
- Initially Authorized EPP: An EPP that has been approved by the State Board or nationally accredited, but lacks the data to meet all of the accountability standards.
- Authorized EPP: An EPP that has met accountability standards and has been approved by the State Board or nationally accredited.
- Recognized EPP: An EPP that is either initially authorized or authorized, and has the authority to recommend students for educator licensure.
- Clinical intern: Individual who would have been previously called a student teacher.
- Resident: Individual who formerly would have received a lateral entry license.
- Clinical mentors: On-site teachers who would serve as mentors to residents.

G.S. 115C-269.5 would give the State Board the authority to recognize EPPs that meet the standards set out in Article 20A, thus allowing the EPPs to recommend candidates for licensure. Additionally, the statute would lay out the minimum standards EPPs must meet in order to be approved, which mirror those set out by the Council for the Accreditation of Educator Preparation (CAEP). G.S. 115C-269.10 would identify the process EPPs must go through in order to recommend students for educator licensure. To be initially authorized or authorized, EPPs must be approved by the State Board or accredited by CAEP, and they must satisfy the performance standards in a way that their status is not revoked under G.S. 115C-269.45. The minimum admissions requirements outlined in G.S. 115C-269.15 would still include a satisfactory Praxis I score. However, since there would no longer be a separate distinction for lateral entry candidates, having a bachelor's degree could also be used to satisfy this requirement. The 2.7 GPA requirement (with an average of at least 3.0 for each cohort), would remain the same.

G.S. 115C-269.15 would leave intact the requirements in current statute, but would add additional requirements, such as:

- Instruction related to the skills and responsibilities of teachers
- The expectations for student performance based on State standards
- The current supply of and demand for educators in the State
- The State's framework for appraisal of educators

Middle and high school teacher EPPs must also include adequate coursework in the relevant content area and in the teaching of the relevant content area.

G.S. 115C-269.1 would recodify existing clinical practice requirements with updated terminology. In addition, the statute lists requirements for residencies, which include:

- Residencies must last for a minimum of one year.
- EPPs must provide ongoing support to the resident.
- A clinical mentor must be assigned to the resident.
- Prior to the residency, the resident must complete preservice requirements set by the State Board.

- Additionally, the statute would require the clinical mentors to meet criteria similar to that of clinical educators.

EPP ACCOUNTABILITY SYSTEM

CURRENT LAW: G.S. 115C-296.13 requires EPPs to submit annual performance reports to the State Board. The statute outlines the minimum data that must be submitted with the report, but provides the State Board with discretion to add additional requirements. The State Board can take action against an EPP if it fails to meet any of the criteria outlined in G.S. 115C-296.8, which includes:

- Failing to report required information to the State Board.
- Offering misleading or false information about approved programs.
- Accepting students into any part of an EPP that is not approved by the State Board.
- Failing to comply with the EPP review process.
- Failing to meet standards for approval set forth by the State Board.

BILL ANALYSIS: G.S. 115C-269.35 modifies permissive accountability language by requiring the State Board to take action against an EPP when the EPP fails to meet standards on the following indicators, broken down by race, sex, and ethnicity:

- Performance of EPP graduates on annual teacher evaluations.
- Proficiency and growth of students taught by EPP graduates.
- Satisfaction of EPP graduates after their first year of teaching.
- Quality of students entering the EPP.

G.S. 115C-269.45 requires the State Board to annually evaluate an EPP's performance and assign an appropriate accountability status, if necessary, based on an EPP meeting one of the following criteria:

- Warned
 - Overall student performance standard is not met on at least one indicator in any one year.
 - Any two race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any one year.
 - Any single race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any two consecutive years.
 - State Board determines a law or rule violation merits warned status.
- Probation
 - Overall student performance standard is not met on at least one indicator in two consecutive years.
 - Any two race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any one year.
 - Any single race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any three consecutive years.
 - State Board determines a law or rule violation merits probation status.
- Revoked
 - EPP has been on probation status for three consecutive years.
 - EPP has been on probation status one year, but State Board determines revoked status is reasonably necessary.

If an EPP is in revoked status, its approval to recommend students for educator licensure is revoked. Other identified sanctions may be implemented at the State Board's discretion, such as:

- Requiring the EPP to obtain technical assistance.
- Requiring the EPP to obtain professional services from another entity.
- Appointing a monitor to oversee and report to the State Board.
- Managing the EPP's enrollment.

Any costs associated with the sanctions would be covered by the EPP.

Senate PCS 599

Page 4

G.S. 115C-269.35 would also require additional data that must be reported to the State Board and ultimately included in the EPP's report card, such as:

- The extent to which the program prepares educators to effectively teach students with disabilities and students of limited English proficiency.
- The number of EPP graduates who continue teaching at least three years after licensure.

LATERAL ENTRY

CURRENT LAW: Under G.S. 115C-296.12, individuals with a bachelor's degree may start teaching without having completed an EPP. Eligible individuals receive an initial teaching license and may teach for three years while also completing a program of study designed to prepare the lateral entry teachers for continuing licensure. Lateral entry requirements can be completed at North Carolina colleges and universities, as well as local community colleges.

BILL ANALYSIS:

Senate Bill 599 would replace the lateral entry license with the residency license. Individuals who already have a bachelor's degree may enroll in an EPP and be employed to teach at the time same. As stated above, G.S. 115C-269.1 outlines the requirements for residencies, which include:

- Residencies must last for a minimum of one year.
- EPPs must provide ongoing support to the resident.
- A site-based clinical mentor must be assigned to the resident.
- Prior to the residency, the resident must complete requirements set by the State Board for field experience and coursework.

PARTS III, IV, AND V

BILL ANALYSIS:

- Repeals and recodifies G.S. 115C-296 by breaking it into different statutes for clarity.
- Defines various teacher licenses:
 - Continuing professional license: 5-year renewable license.
 - Emergency license: One-year nonrenewable license for individual who holds a bachelor's degree with relevant coursework, but who is not eligible for a residency license.
 - Initial professional license: 3-year nonrenewable license for individual who has completed a recognized EPP
 - Lifetime license: License issued after 50 or more years of teaching that requires no renewal
 - Residency license: One-year license (renewable once) issued to an individual who has:
 - Bachelor's degree with coursework relevant to the requested licensure area.
 - Enrolled in a recognized EPP.
 - Has completed preservice field experience and coursework.
 - Retirement license: 5-year renewable license issued to a teacher who retired with 30 or more years of experience and who has served as a substitute teacher at least once every three years since retirement
- Requires a report on teaching positions that local boards of education are unable to fill by the 40th instructional day.
- Recodifies reporting requirements related to the state of the teaching profession.
- Makes various conforming changes.

EFFECTIVE DATE: The act would be effective when it becomes law and would apply beginning with the 2017-2018 school year. The act would be phased in such that:

- EPPs approved by the State Board prior to July 1, 2017 would be considered initially authorized until the earlier of June 30, 2020, or the date of its five-year renewal. EPPs not approved as of that date would first be eligible to open during 2018-2019 school year.
- Reporting requirements would begin with the 2018-2019 school year.
- No EPP may be assigned a "revoked" accountability status prior to the 2023-2024 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 599

Short Title: Excellent Educators for Every Classroom.

(Public)

Sponsors: Senators Barefoot (Primary Sponsor); and Smith-Ingram.

Referred to: Rules and Operations of the Senate

April 5, 2017

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE PROFESSIONAL EDUCATOR PREPARATION AND
STANDARDS COMMISSION, TO AUTHORIZE THE EXPANSION OF EDUCATOR
PREPARATION PROGRAMS AND TO CREATE A SYSTEM THAT HOLDS ALL
PROGRAMS ACCOUNTABLE, TO REORGANIZE AND CLARIFY THE EDUCATOR
LICENSURE PROCESS, AND TO ENSURE AVAILABILITY OF INFORMATION ON
TEACHER VACANCIES OCCURRING IN NORTH CAROLINA PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**PART I. NORTH CAROLINA PROFESSIONAL EDUCATOR PREPARATION AND
STANDARDS COMMISSION**

SECTION 1.(a) Subchapter V of Chapter 115C of the General Statutes is amended
by adding a new Article to read:

"Article 17C.

"Professional Educator Preparation and Standards Commission.

"§ 115C-268.1. Professional Educator Preparation and Standards Commission.

(a) Commission. – There is created the Professional Educator Preparation and
Standards Commission (Commission). The purpose of the Commission is to involve
stakeholders in establishing high standards for North Carolina educators. The Commission shall
make rule recommendations regarding all aspects of preparation, licensure, continuing
education, and standards of conduct of public school educators.

(b) Location. – The Commission shall be located administratively under the State Board
of Education but shall exercise its powers and duties independently of the State Board of
Education.

(c) Membership. – The Commission shall consist of the following 16 members:

(1) The General Assembly, upon the recommendation of the President Pro
Tempore of the Senate, shall appoint the following:

a. One superintendent.

b. One principal.

c. One dean, or dean's designee, of an educator preparation program at
a constituent institution of The University of North Carolina.

d. One dean, or dean's designee, of an educator preparation program at
a nonpublic post-secondary educational institution in North Carolina.

e. One elementary school teacher.

f. One middle or high school teacher.

g. One at-large member.



* S 5 9 9 - V - 1 *

(2) The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint the following:

- a. One superintendent.
- b. One principal.
- c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.
- d. One dean, or dean's designee, of an educator preparation program at a nonpublic post-secondary educational institution in North Carolina.
- e. One elementary school teacher.
- f. One middle or high school teacher.
- g. One at-large member.

(3) The State Teacher of the Year.

(4) The Superintendent of Public Instruction, or his or her designee.

In making appointments, the General Assembly is encouraged to select qualified citizens who are committed to improving the teaching profession and student achievement and who represent the racial, geographic, and gender diversity of the State. Before their appointment to this Commission, with the exception of the at-large members, the members must have been actively engaged in the profession of teaching, in the education of students in educator preparation programs, or in the practice of public school administration for at least three years, at least two of which occurred in this State. The members shall serve for two-year terms. Initial terms shall begin September 1, 2017. Vacancies in the membership shall be filled by the General Assembly, as provided in G.S. 120-122, using the same criteria as provided in this subsection.

(d) Organization and Functioning. – The Commission shall elect a chair, a vice-chair, and a secretary from among its membership. In the absence of the chair, the vice-chair shall preside over the Commission's meetings. All members are voting members, and a majority of the Commission constitutes a quorum. The Commission shall adopt rules to govern its proceedings.

(e) Meetings. – Meetings of the Commission shall be held upon the call of the chair or the vice-chair in the absence of the chair. The Superintendent shall call the initial meeting of the Commission.

(f) Compensation and Reimbursement. – Members of the Commission shall receive compensation for their services and reimbursement for expenses incurred in the performance of their duties required by this Article at the rate prescribed in G.S. 138-5 and G.S. 138-6.

(g) Personnel. – The Commission may employ, subject to Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions and fix compensation within the limits of funds available to the Commission.

"§ 115C-268.5. Powers and duties of the Commission.

(a) Duties. – The Commission shall:

- (1) Develop and recommend to the State Board of Education rules related to all aspects of educator preparation programs in accordance with Article 17D of this Chapter.
- (2) Develop and recommend to the State Board of Education rules related to all aspects of professional standards for North Carolina educators in accordance with Article 17E of this Chapter.
- (3) Provide recommendations as requested to the State Board of Education related to the educator preparation programs and professional standards of North Carolina educators.

(b) State Board Approval. – The Commission shall submit its recommendations under subsection (a) of this section to the State Board. The State Board shall adopt or reject the rules recommendations. The State Board shall not make any substantive changes to any rules

1 recommendation that it adopts. If the State Board rejects the rules recommendation, it shall
2 state with specificity its reasons for rejection; the Commission may then amend that rules
3 recommendation and resubmit it to the State Board. The Board shall adopt or reject the
4 amended rules recommendation. If the State Board fails to adopt the Commission's original and
5 amended rule recommendations, the State Board may develop and adopt its own rules.

6 (c) Annual Report. – The Commission shall submit a report by December 1, 2018, and
7 annually thereafter, to the Joint Legislative Education Oversight Committee and the State
8 Board of Education of its activities during the preceding year, together with any
9 recommendations and findings regarding improvement of the teaching profession."

11 **PART II. EDUCATOR PREPARATION PROGRAMS**

12 **SECTION 2.(a)** G.S. 115C-296.8 is repealed.

13 **SECTION 2.(b)** G.S. 115C-296.9 is repealed.

14 **SECTION 2.(c)** G.S. 115C-296.10 is repealed.

15 **SECTION 2.(d)** G.S. 115C-296.11 is repealed.

16 **SECTION 2.(e)** G.S. 115C-296.12 is repealed.

17 **SECTION 2.(f)** G.S. 115C-296.13 is repealed.

18 **SECTION 2.(g)** G.S. 115C-309 is repealed.

19 **SECTION 2.(h)** G.S. 115C-310 is repealed.

20 **SECTION 2.(i)** Subchapter V of Chapter 115C of the General Statutes is amended
21 by adding a new Article to read:

22 "Article 17D.

23 "Educator Preparation Programs.

24 **"§ 115C-269.1. Definitions.**

25 As used in this Article, the following definitions shall apply:

26 (1) Approved EPP. – An EPP that has been approved by the State Board as
27 meeting the requirements established by rule, as provided in
28 G.S. 115C-269.10.

29 (2) Authorized EPP. – An EPP that (i) has met the accountability performance
30 standards described in G.S. 115C-269.35 and (ii) has been approved by the
31 State Board or accredited by CAEP to prepare, train, and recommend
32 students for licensure.

33 (3) CAEP. – Council for the Accreditation of Educator Preparation.

34 (4) Clinical educator. – An individual employed by a partner school, including a
35 classroom teacher, who assesses, supports, and develops a clinical intern's
36 knowledge, skills, and professional disposition during an internship.

37 (5) Clinical intern or intern. – Any student enrolled in a recognized EPP who is
38 jointly assigned by that EPP and a local board of education to teach under
39 the direction and supervision of a clinical educator, as provided in
40 G.S. 115C-269.25.

41 (6) Clinical internship or internship. – Type of field experience in which a
42 clinical intern works under the supervision of a clinical educator and may be
43 delegated those duties granted to an educator by G.S. 115C-307 and any
44 other part of the school program for which the clinical educator is
45 responsible.

46 (7) Clinical mentor or mentor. – An individual employed by an elementary or
47 secondary school, including a classroom teacher, who assesses, supports,
48 and develops a clinical resident's knowledge, skills, and professional
49 disposition during the residency.

50 (8) Clinical residency or residency. – Type of field experience in which a
51 clinical resident who already holds a bachelor's degree is enrolled in a

- 1 recognized EPP and also employed by a local school administrative unit as
2 an educator and supervised by the recognized EPP in partial fulfillment of
3 the recognized EPP's training requirements.
- 4 (9) Clinical resident. – Any student who meets the following criteria:
5 a. Holds a bachelor's degree.
6 b. Is enrolled in a recognized EPP.
7 c. Is employed by a local school administrative unit as an educator and
8 supervised by the recognized EPP in partial fulfillment of the
9 recognized EPP's training requirements.
- 10 (10) Educator preparation program or EPP. – Any entity that prepares, trains, and
11 recommends students for teacher licensure.
- 12 (11) Field experience. – Placement of students enrolled in a recognized EPP in
13 settings to provide opportunities to observe, practice, and demonstrate
14 knowledge and skills. A field experience may include preclinical classroom
15 experiences.
- 16 (12) Field supervisor. – An individual who is employed by a recognized EPP to
17 observe students, monitor their performance, and provide constructive
18 feedback to improve their effectiveness as educators during their clinical
19 internship or residency.
- 20 (13) Initially authorized EPP. – An EPP that has been either approved by the
21 State Board or accredited by CAEP to prepare, train, and recommend
22 students for licensure, but lacks data required by the performance standards
23 described in G.S. 115C-269.35.
- 24 (14) Partner school. – An elementary or secondary school located in North
25 Carolina that includes (i) a public school governed by a local board of
26 education, a charter school board of directors, a regional school board of
27 directors, or a UNC laboratory school board of trustees; (ii) a Department of
28 Defense Elementary and Secondary School established pursuant to 10
29 U.S.C. § 2164; and (iii) a nonpublic school that meets the requirements of
30 Part 1 or 2 of Article 39 of this Chapter.
- 31 (15) Recognized educator preparation program or recognized EPP. – An entity
32 that is initially authorized or authorized by the State Board to recommend
33 students for educator licensure.
- 34 (16) Student. – An individual enrolled in a recognized educator preparation
35 program.

36 **"§ 115C-269.5. Educator preparation programs.**

37 (a) Role of EPPs. – An EPP shall prepare students for educator licensure and meet the
38 standards and requirements set forth in this Article. To recommend students for licensure, an
39 EPP shall be recognized by the State Board.

40 (b) State Board Authority. – The State Board shall initially authorize and recognize an
41 EPP as required by this Article. The State Board shall have authority to regulate EPPs in
42 accordance with this Article.

43 (c) Initial Authorization. – The State Board shall assign the status of initially authorized
44 to an EPP if it has not yet generated sufficient data to meet the performance standards, but the
45 EPP meets one of the following criteria:

46 (1) The EPP is approved by the State Board.

47 (2) The EPP is nationally accredited by CAEP.

48 (d) Authorization. – The State Board shall assign the status of authorized to an EPP if
49 the EPP meets the following criteria:

50 (1) The EPP is approved by the State Board or nationally accredited by CAEP.

- 1 (2) The EPP satisfies the performance standards to the extent that the EPP has
2 not been assigned revoked status described in G.S. 115C-269.45.
- 3 (e) The State Board shall assign the status of recognized EPP to an EPP that has the
4 status of initially authorized or authorized.
- 5 **"§ 115C-269.10. Educator preparation program approval process.**
- 6 (a) State Board Authority. – The State Board shall have authority to approve an EPP
7 that meets the requirements established by rule as provided in subsection (b) of this section.
- 8 (b) Rules for Granting State Approval. – The State Board shall adopt rules for granting
9 approval to EPPs in accordance with this Article. The rules shall ensure the following:
- 10 (1) A rigorous approval process that requires that the criteria in this Article are
11 met.
- 12 (2) An application process, peer review, and technical assistance provided by
13 the State Board.
- 14 (3) An approval period of five years and process for renewal of approval.
- 15 (c) Minimum Approval Standards. – At a minimum, the rules established as provided in
16 subsection (b) of this section shall include the following standards:
- 17 (1) Students shall develop a deep understanding of the critical concepts and
18 principles of their discipline and, by completion, be able to use
19 discipline-specific practices flexibly to advance the learning of all students
20 toward attainment of college- and career-ready standards.
- 21 (2) Effective partnerships and high-quality clinical practice shall be central to
22 preparation so that students develop the knowledge, skills, and professional
23 dispositions necessary to demonstrate positive impact on all elementary and
24 secondary students' learning and development.
- 25 (3) Quality of students shall be a continuing and purposeful part of the EPP's
26 responsibility from recruitment, at admission, through the progression of
27 courses and field experiences, and to decisions that completers are prepared
28 to teach effectively and are recommended for licensure. The EPP shall
29 demonstrate that development of student quality is the goal of educator
30 preparation in all phases of the program, through evidence of impact under
31 subdivision (4) of this subsection.
- 32 (4) The EPP shall demonstrate the impact of its completers on elementary and
33 secondary student learning and development, classroom instruction, and
34
35 effectiveness of their preparation.
- 36 (5) The EPP shall maintain a quality assurance system comprised of valid data
37 from multiple measures, including evidence of students' and completers'
38 positive impact on elementary and secondary student learning and
39 development. The EPP shall support continuous improvement that is
40 sustained and evidence-based and that evaluates the effectiveness of its
41 completers. The EPP shall use the results of inquiry and data collection to
42 establish priorities, enhance program elements and capacity, and test
43 innovations to improve completers' impact on elementary and secondary
44 student learning and development.
- 45 (d) Application. – An EPP seeking to be approved by the State Board shall complete the
46 application process established by the State Board.
- 47 (e) Peer Review. – An EPP seeking to be approved by the State Board shall undergo a
48 peer review process established by the State Board that includes highly qualified and trained
49 members to adequately review programs within the State.
- 50 (f) Technical Assistance. – For EPPs seeking approval, the State Board shall provide
51 technical assistance in efforts to do the following:

- (1) Improve education quality and EPP performance.
- (2) Inform EPPs about the program approval process as part of EPP performance based on outcome data.
- (3) Assist with State and federal reporting processes.
- (4) Help build and maintain partnerships between elementary and secondary schools and EPPs.

"§ 115C-269.15. Minimum admissions requirements for educator preparation programs.

(a) Testing. – A recognized EPP shall not admit a student until that student has met one of the following criteria:

- (1) Attained a passing score or prescribed minimum score set by the State Board for a preprofessional skills test.
- (2) Achieved the appropriate required scores, as determined by the State Board, on the verbal and mathematics portions of the SAT or ACT. The minimum combined verbal and mathematics score set by the State Board for the SAT shall be 1,100 or greater. The minimum composite score set by the State Board for the ACT shall be 24 or greater.
- (3) Holds a bachelor's degree.

(b) Grade Point Average. – A recognized EPP shall not admit a student into an EPP unless that student has earned a minimum grade point average of at least a 2.7. A recognized EPP shall ensure that the minimum cohort grade point average for each entering cohort to an EPP is at least a 3.0.

"§ 115C-269.20. Content and pedagogy requirements.

(a) Content and Pedagogy Requirements. – To ensure that EPPs remain current and reflect a rigorous course of study that is aligned to State and national standards, the State Board shall require at least the following minimum requirements with demonstrated competencies in its rules:

- (1) All EPPs shall include instruction in the following:
 - a. The identification and education of children with disabilities.
 - b. Positive management of student behavior and effective communication techniques for defusing and de-escalating disruptive or dangerous behavior.
 - c. Demonstration of competencies in using digital and other instructional technologies to provide high-quality, integrated digital teaching and learning to all students.
 - d. The skills and responsibilities required of educators.
 - e. The expectations for student performance based on State standards.
 - f. The supply of and demand for educators in this State, as identified in the vacancy report required by G.S. 115C-299.5(e).
 - g. The State's framework for appraisal of educators.
- (2) EPPs providing training for elementary education teachers shall include the following:
 - a. Adequate coursework in the teaching of reading, writing, and mathematics.
 - b. Assessment prior to licensure to determine if a student possesses the requisite knowledge in scientifically based reading, writing, and mathematics instruction that is aligned with the State Board's expectations.
 - c. Instruction in application of formative and summative assessments within the school and classroom setting through technology-based assessment systems available in State schools that measure and predict expected student improvement.

- 1 d. Instruction in integration of arts education across the curriculum.
2 (3) EPPs providing training for elementary and special education general
3 curriculum teachers shall ensure that students receive instruction in early
4 literacy intervention strategies and practices that are aligned with State and
5 national reading standards and shall include the following:
6 a. Instruction in the teaching of reading, including a substantive
7 understanding of reading as a process involving oral language,
8 phonological and phonemic awareness, phonics, fluency, vocabulary,
9 and comprehension. Instruction shall include appropriate application
10 of instructional supports and services and reading interventions to
11 ensure reading proficiency for all students.
12 b. Instruction in evidence-based assessment and diagnosis of specific
13 areas of difficulty with reading development and of reading
14 deficiencies.
15 c. Instruction in appropriate application of instructional supports and
16 services and reading interventions to ensure reading proficiency for
17 all students.
18 (4) EPPs providing training for middle and high school teachers shall include
19 the following:
20 a. Adequate coursework in the relevant content area.
21 b. Adequate coursework in the teaching of the relevant content area.
22 c. For EPPs providing training for science teachers, adequate
23 preparation in issues related to science laboratory safety.

24 **"§ 115C-269.25. Clinical partnerships and practice in educator preparation programs.**

25 (a) Collaborative Partnerships With Elementary and Secondary Schools. – EPPs shall
26 establish and maintain collaborative, formalized partnerships with elementary and secondary
27 partner schools that are focused on student achievement, continuous school improvement, and
28 the professional development of elementary and secondary educators, as well as those
29 preparing educators.

30 (b) Memorandum of Understanding With Local School Administrative Units. – EPPs
31 shall enter into a memorandum of understanding with the local school administrative unit or the
32 partner school where students are placed or employed. In the memorandum, the EPP and the
33 local school administrative unit or partner school, as applicable, shall:

- 34 (1) Define the collaborative relationship between the EPP and the local school
35 administrative unit or partner school and how this partnership will be
36 focused on continuous school improvement and student achievement.
37 (2) Adopt a plan for collaborative clinical educator or mentor selection,
38 orientation, and student placement.
39 (3) Determine how information will be shared and verified between the EPP and
40 the local school administrative unit or partner school.

41 (c) Field Experience Requirements. – To the extent practicable, EPPs shall require, in
42 all programs leading to initial professional licensure, the following:

- 43 (1) Field experiences in every semester that include organized and sequenced
44 engagement of students in settings that provide them with opportunities to
45 observe, practice, and demonstrate knowledge and skills. The experiences
46 shall be systematically designed and sequenced to increase the complexity
47 and levels of engagement with which students apply, reflect upon, and
48 expand their knowledge and skills, and to increase in each semester prior to
49 the student's internship the number of hours spent in field experiences.

- (2) A minimum of two hours of field experience in the first semester of the program and a cumulative total of at least 12 hours of field experiences prior to the student's internship.
- (3) At least one field experience in a low-performing school.
- (d) Clinical Practice Requirements. – EPPs shall require clinical practice in the form of one of the following:
- (1) Internship that lasts for a minimum of 16 weeks. Internships may be over the course of two semesters and shall, to the extent practicable, provide field experiences at both the beginning and ending of the school year. It shall be the responsibility of a clinical educator, in cooperation with the principal and the representative of the EPP, to assign to the intern responsibilities and duties that will provide adequate preparation for teaching.
- (2) Residency that meets the following criteria:
- a. The residency lasts for a minimum of one year.
- b. The EPP provides ongoing support to a student for the full term of the residency.
- c. The EPP assigns a clinical mentor to the resident.
- d. The resident completes at least 30 hours of field experience and 150 hours of coursework and/or training prior to the residency.
- (e) Clinical Educator Requirements. – The EPP shall ensure clinical educators who supervise students in internships meet the following requirements:
- (1) Be professionally licensed in the field of licensure sought by the student.
- (2) Have a minimum of three years of experience in a teaching role.
- (3) Have been rated, through the educator's most recent formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System, or the equivalent on an evaluation system utilized by another state or partner school, as applicable, and have met expectations as part of a student growth assessment system used by a school in the field of licensure sought by the student.
- (f) Clinical Mentor Requirements. – The EPP shall ensure clinical educators who supervise students in residencies meet the following requirements:
- (1) Be professionally licensed in the field of licensure of the resident.
- (2) Have a minimum of three years of experience in a teaching role.
- (3) Have been rated, through the educator's most recent formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System, or the equivalent on an evaluation system utilized by another state or partner school, as applicable, and have met expectations as part of a student growth assessment system used by a school in the field of licensure sought by the student.
- (g) Legal Protection of Interns. – An intern under the supervision of a clinical educator or principal shall have the protection of the laws accorded to a licensed educator.
- (h) Pedagogy Assessment. – EPPs shall require, in addition to a content assessment, a nationally normed and valid pedagogy assessment to determine clinical practice performance. Passing scores and mastery criteria shall be determined by the State Board.
- "§ 115C-269.30. Teacher assistants engaged in internships.**
- (a) Program for Teacher Assistants. – The State Board shall adopt a program to facilitate the process by which teacher assistants may become teachers. Teacher assistants who participate in this program:
- (1) Shall be enrolled in a recognized EPP.
- (2) Shall be employed in a North Carolina public school.

(b) Internship Assignments. – Local school administrative units are encouraged to assign teacher assistants to a different classroom during an internship than the classroom they are assigned to as a teacher assistant. To the extent possible, they may be assigned to another school within the same local school administrative unit.

(c) Salary and Benefits. – At the discretion of the local school administrative unit, teacher assistants may continue to receive their salary and benefits while interning in the same local school administrative unit where they are employed as a teacher assistant.

(d) Consultation With Institutions of Higher Education. – The State Board shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program.

"§ 115C-269.35. Accountability for educator preparation programs.

(a) Performance Measures. – The State Board shall adopt rules necessary to establish standards of performance to govern the continuing accountability of all EPPs. At a minimum, the performance standards shall be based on the following information that is disaggregated with respect to race, sex, and ethnicity:

- (1) Performance based on the standards and criteria for annual evaluations of licensed employees.
- (2) Proficiency and growth of students taught by educators holding an initial professional license, to the extent practicable. When available, EVAAS data shall be used to measure student proficiency and growth.
- (3) Results from an educator satisfaction survey, developed by the State Board with stakeholder input, performed at the end of the educator's first year of teaching after receiving an initial professional license.
- (4) Quality of students entering the EPP, including the average grade point average and average score on preprofessional skills tests or college entrance exams that assess reading, writing, mathematics, and other competencies.

(b) Annual Performance Reports. – The State Board shall require all recognized EPPs to submit annual performance reports. The performance reports shall provide the State Board with a focused review of the EPPs and the current authorization process in order to ensure that the programs produce graduates that are well prepared to teach. At a minimum, the annual report shall contain the following indicators:

- (1) Performance data from subsection (a) of this section.
- (2) Data related to the EPP's compliance with requirements for field supervision of students during their internship and residency experiences.
- (3) The following information, disaggregated by race, sex, and ethnicity:
 - a. The number of students who apply.
 - b. The number of students admitted.
 - c. The number of students retained.
 - d. The number of students completing the program.
 - e. The number of students employed as beginning teachers under initial professional licenses by not later than the first anniversary of completing the program.
 - f. The amount of time required by students employed as beginning teachers under residency licenses to be issued initial professional licenses.
 - g. The number of students retained in the profession.
 - h. Any other information required by federal law.
- (4) The ratio of field supervisors to students completing an internship or residency.
- (5) Graduation rates.
- (6) Time-to-graduation rates.

- (7) Average scores of graduates on professional, pedagogy, and content area examinations for the purpose of licensure.
- (8) Percentage of graduates receiving initial professional licenses.
- (9) The extent to which the program prepares educators, including general education teachers and special education teachers, to effectively teach the following:
- a. Students with disabilities.
- b. Students of limited English proficiency.
- (10) The activities offered by the program that are designed to prepare educators to do the following:
- a. Integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning.
- b. Use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.
- (11) The perseverance of beginning educators in the profession, as determined on the basis of the number of beginning educators who maintain status as active contributing members in the North Carolina State Employee Retirement System at least three years after licensure in comparison to similar programs.
- (12) The results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants.
- (13) Any other information necessary to enable the State Board to assess the effectiveness of the program on the basis of educator retention and success criteria adopted by the State Board.
- (c) Submission of Annual Performance Reports. – Performance reports shall be provided annually to the following:
- (1) The State Board.
- (2) The Board of Governors of The University of North Carolina, to be incorporated into the Teacher Quality Dashboard.
- (3) The board of trustees or board of directors of the entity submitting the report.
- (d) Information Requests by EPPs. – The State Board of Education shall annually provide, upon request, the data required to be include in an EPP's annual performance report related to subdivisions (1) and (2) of subsection (a) of this section and subdivision (11) of subsection (b) of this section. The State Board of Education shall provide this information to an EPP as aggregate data and disaggregated by race, sex, and ethnicity. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of these information requests any North Carolina Educator Evaluation System effectiveness status assigned to teachers based on queries from the State Board. The State Board of Education shall not report aggregated or disaggregated data to the EPP that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher.
- "§ 115C-269.40. Risk factors for educator preparation programs; risk-assessment model.**
- (a) Risk Factor Rules. – The State Board shall adopt rules establishing risk factors for assessment of the overall risk level of each EPP. The set of risk factors shall include the following:
- (1) A history of the EPP's compliance with State law and rules, with consideration given to the following:
- a. The seriousness of any violation of a law or rule.

- 1 b. Whether the violation resulted in an action being taken against the
2 EPP.
3 c. Whether the violation was promptly remedied by the EPP.
4 d. The number of alleged violations.
5 e. Any other matter considered to be appropriate in evaluating the EPP's
6 compliance history.
7 (2) Whether the program meets the accountability performance standards under
8 G.S. 115C-269.35.
9 (b) CAEP Accreditation. – The rules for risk factors developed by the State Board may
10 include whether an EPP is accredited by CAEP.
11 (c) Use of Risk Factors. – The State Board shall use the rules for risk factors when
12 conducting monitoring, inspections, and compliance audits of EPPs, including evaluations
13 associated with renewals of approval under G.S. 115C-269.10.
14 **"§ 115C-269.45. Sanctions.**
15 (a) Accountability Statuses. – The State Board shall at least annually review the
16 accountability status of each EPP. The State Board shall adopt rules necessary for the sanction
17 of EPPs that do not meet accountability standards or comply with State law or rules. The rules
18 shall provide for the assignment of warned, probation, or revoked statuses according to the
19 following criteria:
20 (1) Warned. – An EPP shall be assigned warned status if the program meets any
21 of the following criteria:
22 a. Fails to meet the performance standards set by the State Board for the
23 overall performance of all its students on any of the indicators set
24 forth in G.S. 115C-269.35(a) in any one year.
25 b. Fails to meet the performance standards in any two sex, race, or
26 ethnicity demographic groups on any of the indicators set forth in
27 G.S. 115C-269.35(a) in any one year.
28 c. Fails to meet the performance standards for a sex, race, or ethnicity
29 demographic group on any of the indicators set forth in
30 G.S. 115C-269.35(a) for two consecutively measured years,
31 regardless of whether the deficiency is in the same demographic
32 group or standard.
33 d. The State Board determines that the EPP has violated applicable laws
34 or rules that should result in warned status.
35 (2) Probation. – An EPP shall be assigned probation status if the program meets
36 any of the following criteria:
37 a. Fails to meet the performance standards set by the State Board for the
38 overall performance of all its students on any of the indicators set
39 forth in G.S. 115C-269.35(a) for two consecutively measured years.
40 b. Fails to meet the performance standards in any three sex, race, or
41 ethnicity demographic groups on any of the indicators set forth in
42 G.S. 115C-269.35(a) in any one year.
43 c. Fails to meet the performance standards for a sex, race, or ethnicity
44 demographic group on any of the indicators set forth in
45 G.S. 115C-269.35(a) for three consecutively measured years,
46 regardless of whether the deficiency is in the same demographic
47 group or standard.
48 d. The State Board determines that the EPP has violated applicable laws
49 or rules that should result in probation status.

- (3) Revoked. – An EPP shall be assigned revoked status and its approval to recommend students for educator licensure revoked if it meets any of the following criteria:
- a. Is assigned probation status for three consecutively measured years.
- b. Has been on probation status for one year, and the State Board determines that revoking the program's approval is reasonably necessary to achieve the purposes of this Article.
- (b) Revocation. – Any revocation of an EPP's accountability status shall meet the following criteria:
- (1) Complies with the requirements of notice as described in subsection (f) of this section.
- (2) Upon assignment of revoked status of EPP approval, the EPP shall not admit new students, but may complete the training of students already admitted by the program and recommend them for licensure. If necessary, the State Board and other EPPs shall cooperate to assist the previously admitted students of the revoked EPP to complete their training.
- (3) A revocation shall be effective for a period of at least two years. After two years, the program may seek initial authorization to prepare educators for licensure.
- (c) Range of Sanctions. – In addition to revocation as provided in subsections (a) and (b) of this section, the rules described in subsection (a) of this section shall provide for the State Board to assign other sanctions deemed necessary, including one or more of the following:
- (1) Requiring the EPP to obtain technical assistance approved by the State Board.
- (2) Requiring the EPP to obtain professional services under contract with another entity.
- (3) Appointing a monitor to participate in and report to the State Board on the activities of the EPP.
- (4) Managing the EPP's enrollment.
- (d) Particular Fields of Licensure. – Any sanction authorized or required to be taken against an EPP under subsection (c) of this section may also be taken with regard to a program for a particular field of licensure authorized to be offered by an EPP.
- (e) Costs. – Any costs associated with the sanctions under subsection (c) of this section shall be paid by the EPP.
- (f) Notice, Hearing, and Appeal. – The State Board shall give written notice to the EPP by certified mail of an EPP's revocation of authorized status, including a written explanation of the basis for the revocation. An EPP may commence a contested case as provided in Article 3 of Chapter 150B of the General Statutes as to the revocation by the State Board.
- "§ 115C-269.50. EPP report cards.**
- The State Board shall create a report card in a common format for each EPP that, at a minimum, summarizes the information collected in the annual performance reports, as set forth in G.S. 115C-269.35(b). The State Board shall make the report cards available to the public through the State Board's Internet Web site on an annual basis beginning December 15, 2019, and shall submit the report to the Joint Legislative Education Oversight Committee annually by that date.
- "§ 115C-269.55. Reports of alleged violations regarding educator preparation programs.**
- (a) Authority. – The State Board shall adopt rules necessary to establish a process for a student to report a violation of this Article to the State Board.
- (b) EPP Notice to Students. – The State Board by rule shall require an EPP to notify students of the complaint process adopted under subsection (a) of this section. The notice shall include the appropriate contact information, including name, mailing address, telephone

number, and Internet Web site address for the purpose of directing complaints to the State Board. The EPP shall provide for that notification as follows:

- (1) On the Internet Web site of the EPP, if the program maintains a Web site.
- (2) On a sign prominently displayed in program facilities.
- (3) In the student handbook.

(c) Notice of Complaint Process. – The State Board shall post the complaint process adopted under subsection (a) of this section on the State Board's Internet Web site.

(d) Limits on State Board Authority. – The State Board has no authority to mediate, arbitrate, or resolve contractual or commercial issues between an EPP and a student."

SECTION 2.(j) Article 19 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-284.1. School administrator preparation programs.

Rules for approval of school administrator preparation programs shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program."

PART III. EDUCATOR LICENSURE

SECTION 3.(a) G.S. 115C-296 is repealed.

SECTION 3.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-300.1. New teacher induction programs.

(a) Induction Program. – The State Board of Education shall develop a new teacher induction program to provide ongoing support for teachers entering the profession. In developing the program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program.

(b) New Teacher Guidelines. – For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines that address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that teachers holding initial professional licenses not be assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties of these teachers be minimized.

(c) Mentor Teacher Training. – The State Board shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program, including requiring that mentor teachers have been rated, through formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System and have met expectations for student growth.

(d) Mentor Funding. – The State Board of Education shall allot funds for mentoring services to local school administrative units based on the highest number of employees in the preceding three school years who (i) are paid with State, federal, or local funds and (ii) are either teachers paid on the first or second steps of the teacher salary schedule or instructional support personnel paid on the first step of the instructional support personnel salary schedule.

Local school administrative units shall use these funds to provide mentoring support to eligible employees in accordance with a plan approved by the State Board of Education. The plan shall include information on how all mentors in the local school administrative unit will be adequately trained to provide mentoring support."

SECTION 3.(c) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17E.

"Licensure.

"§ 115C-270.1. Definitions.

As used in this Article, the following definitions shall apply:

- (1) Administrator. – An administrator or supervisor who serves in general and program administrator roles, as classified by the State Board. Administrators shall include superintendents, assistant or associate superintendents, principals, assistant principals, or curriculum-instructional specialists.
- (2) Professional educator. – An administrator, teacher, or student services personnel.
- (3) Recognized educator preparation program or recognized EPP. – As defined in G.S. 115C-269.1(15).
- (4) Student services personnel. – An individual providing specialized assistance to students, teachers, administrators, or the education program in general, as classified by the State Board. Student services personnel shall include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.
- (5) Teacher. – An individual whose major responsibility is to either teach or directly supervise teaching, as classified by the State Board.

"§ 115C-270.5. State Board of Education establishes licensure requirements.

(a) Authority. – The State Board of Education shall have entire control of licensing all applicants for professional educator positions in all public schools of North Carolina, subject to the requirements of this Article. The State Board shall adopt rules for the issuance, renewal, and extension of all licenses and shall determine and fix the salary for each grade and type of license which it authorizes.

(b) Consultation – The State Board shall receive recommendations from the Professional Educator Preparation and Standards Commission and seek input from The University of North Carolina Board of Governors, the State Board of Community Colleges, educator preparation programs, and such other public and private agencies as are necessary in adopting rules required by this Article.

"§ 115C-270.10. Licensure fees.

(a) Fee Schedule. – The State Board of Education shall establish by rule a schedule of fees for professional educator licensure and administrative changes. The fees established under this section shall not exceed the actual cost of providing the service. The schedule may include fees for any of the following services:

- (1) Application for demographic or administrative changes to a license.
- (2) Application for a duplicate license or for copies of documents in the licensure files.
- (3) Application for a renewal, extension, addition, upgrade, reinstatement, and variation to a license.
- (4) Initial application for a new graduate from any recognized educator preparation program.
- (5) Initial application for an out-of-state applicant.
- (6) All other applications.

An applicant must pay any nonrefundable or nontransferable service fees at the time an application is submitted.

(b) Fee Increase Reporting. – The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15 in any year that the amount of fees in the fee schedule established under this section has been modified during the previous 12 months. The report shall include the number of personnel paid from licensure receipts, any change in personnel paid from receipts, other related costs covered by the receipts, and the estimated unexpended receipts as of June 30 of the year reported.

"§ 115C-270.15. Examination requirements for initial professional licenses.

1 (a) Examination Score Requirements. – The State Board of Education shall require an
2 applicant for an initial professional license to demonstrate the applicant's academic and
3 professional preparation by achieving a prescribed minimum score on a standard examination
4 appropriate and adequate for that purpose. Elementary education (K-6) and special education
5 general curriculum teachers shall also achieve a prescribed minimum score on subtests or
6 standard examinations specific to teaching reading and mathematics.

7 (b) Establishment of Minimum Scores. – The State Board shall adopt rules that
8 establish the minimum scores for any required standard examinations and other measures
9 necessary to assess the qualifications of professional educators as required under this section.
10 For purposes of this section, the State Board shall not be subject to Article 2A of Chapter 150B
11 of the General Statutes. At least 30 days prior to changing any rule adopted under this section,
12 the State Board shall provide written notice to all recognized educator preparation programs
13 and to all local boards of education. The written notice shall include the proposed revised rule.
14 The State Board of Education shall make any required standard initial professional licensure
15 exam rigorous and raise the prescribed minimum score as necessary to ensure that each
16 applicant has received high-quality academic and professional preparation to teach effectively.

17 (c) Time Line for Completion of Examinations. – The State Board of Education shall
18 permit an applicant to fulfill any such testing requirement before or during the applicant's
19 second year of teaching, provided the applicant took the examination at least once during the
20 first year of teaching.

21 **"§ 115C-270.20. Licensure requirements.**

22 (a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the
23 following classes of teacher licenses, including required levels of preparation for each
24 classification:

- 25 (1) Continuing professional license or CPL. – A five-year renewable license
26 issued to a teacher who has at least three years of licensed teaching
27 experience and meets other requirements established by the State Board. A
28 CPL shall remain in effect for five years after retirement.
- 29 (2) Emergency license or EL. – A one-year nonrenewable license issued to an
30 individual who holds a bachelor's degree with coursework relevant to the
31 requested licensure area, but has not successfully completed a recognized
32 educator preparation program and does not qualify for a residency license.
33 An emergency license shall only be requested by the local board of
34 education, and applicants for emergency licenses shall meet all other
35 requirements established by the State Board.
- 36 (3) Initial professional license or IPL. – A three-year nonrenewable license
37 issued to an individual who has successfully completed a recognized
38 educator preparation program and meets other requirements established by
39 the State Board.
- 40 (4) Lifetime license. – A license issued to a teacher after 50 or more years of
41 teaching as a licensed teacher that requires no renewal.
- 42 (5) Residency license or RL. – A one-year license issued to an individual who
43 holds a bachelor's degree with coursework relevant to the requested licensure
44 area, is enrolled in a recognized educator preparation program, and has
45 completed a minimum of 30 hours of field experience and 150 hours of
46 coursework or training. A residency license shall only be requested by the
47 local board of education and shall be accompanied by a certification of
48 supervision from the recognized educator preparation program in which the
49 individual is enrolled. Applicants for residency licenses shall meet all other
50 requirements established by the State Board. A residency license may be
51 renewed once.

(6) Retirement licensure. – A five-year renewable license issued to a teacher who retired with 30 or more years of teaching experience in North Carolina and who has served as a substitute teacher at least once every three years since retirement.

(b) Administrator and Student Services Personnel. – The State Board shall establish classification and levels of preparation necessary for issuance of licenses for administrators and student services personnel.

"§ 115C-270.25. Out-of-state license applicants.

Initial applications from an individual with an out-of-state teacher's license shall require the applicant to provide evidence of that teacher's effectiveness, when available, as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that evaluation system. Applications that include the evidence of that educator's effectiveness shall be prioritized for review over initial applications from applicants with out-of-state licenses that do not include that information. An individual who does not include evidence of that teacher's effectiveness with the initial application shall only be eligible for an IPL.

"§ 115C-270.30. Licensure renewal.

(a) Licensure Renewal. – The State Board shall adopt rules establishing the requirements for renewal of all professional educator licenses. These requirements shall reflect rigorous standards for continuing licensure and shall be aligned with high-quality professional development programs that reflect State priorities for improving student achievement.

(b) Teacher Licensure Renewal. – Rules for continuing licensure for teachers shall include the following:

(1) For all teachers, at least eight continuing education credits with at least three credits required in a teacher's academic subject area.

(2) For elementary and middle school teachers, at least three continuing education credits related to literacy. Literacy renewal credits shall include evidence-based assessment, diagnosis, and intervention strategies for students not demonstrating reading proficiency. Oral language, phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.

(3) For retirement licensure, at least 640 hours of documented substitute teaching each renewal cycle and eight hours of annual professional development approved by a local school administrative unit.

(4) For all teachers employed by a local board of education, evidence of a rating of at least proficient on the most recent annual evaluation to maintain the current license status. A teacher who is unable to satisfy this requirement, but has been placed on a mandatory improvement plan, may be eligible to receive an IPL if that teacher satisfies all other licensure requirements.

(c) License Renewal Rules Review. – The rules for licensure renewal shall be reviewed at least once every five years by the State Board of Education to do the following:

(1) Reevaluate and enhance the requirements for renewal of professional educator licenses.

(2) Consider modifications in the license renewal achievement to make it a mechanism for professional educators to renew continually their knowledge and professional skills.

(3) Integrate digital teaching and learning into the requirements for licensure renewal.

"§ 115C-270.35. License suspension and revocation.

1 (a) The State Board shall adopt rules to establish the reasons and procedures for the
2 suspension and revocation of licenses, subject to the requirements of this section.

3 (b) Automatic Revocation With No Hearing. – The State Board shall automatically
4 revoke the license of a professional educator without the right to a hearing upon receiving
5 verification of the identity of the professional educator together with a certified copy of a
6 criminal record showing that the professional educator has entered a plea of guilty or nolo
7 contendere to or has been finally convicted of any of the following crimes:

- 8 (1) Murder in the first or second degree, G.S. 14-17.
- 9 (2) Conspiracy or solicitation to commit murder, G.S. 14-18.1.
- 10 (3) Rape or sexual offense, as defined in Article 7B of Chapter 14 of the
11 General Statutes.
- 12 (4) Felonious assault with deadly weapon with intent to kill or inflicting serious
13 injury, G.S. 14-32.
- 14 (5) Kidnapping, G.S. 14-39.
- 15 (6) Abduction of children, G.S. 14-41.
- 16 (7) Crime against nature, G.S. 14-177.
- 17 (8) Incest, G.S. 14-178 or G.S. 14-179.
- 18 (9) Employing or permitting minor to assist in offense against public morality
19 and decency, G.S. 14-190.6.
- 20 (10) Dissemination to minors under the age of 16 years, G.S. 14-190.7.
- 21 (11) Dissemination to minors under the age of 13 years, G.S. 14-190.8.
- 22 (12) Displaying material harmful to minors, G.S. 14-190.14.
- 23 (13) Disseminating harmful material to minors, G.S. 14-190.15.
- 24 (14) First degree sexual exploitation of a minor, G.S. 14-190.16.
- 25 (15) Second degree sexual exploitation of a minor, G.S. 14-190.17.
- 26 (16) Third degree sexual exploitation of a minor, G.S. 14-190.17A.
- 27 (17) Taking indecent liberties with children, G.S. 14-202.1.
- 28 (18) Solicitation of child by computer to commit an unlawful sex act,
29 G.S. 14-202.3.
- 30 (19) Taking indecent liberties with a student, G.S. 14-202.4.
- 31 (20) Prostitution, G.S. 14-204.
- 32 (21) Patronizing a prostitute who is a minor or a mentally disabled person,
33 G.S. 14-205.2(c) or (d).
- 34 (22) Promoting prostitution of a minor or a mentally disabled person,
35 G.S. 14-205.3(b).
- 36 (23) Child abuse under G.S. 14-318.4.

37 The State Board shall mail notice of its intent to act pursuant to this subsection by certified
38 mail, return receipt requested, directed to the professional educator's last known address. The
39 notice shall inform the professional educator that it will revoke the person's license unless the
40 professional educator notifies the State Board in writing within 10 days after receipt of the
41 notice that the defendant identified in the criminal record is not the same person as the
42 professional educator. If the professional educator provides this written notice to the State
43 Board, the State Board shall not revoke the license unless it can establish as a fact that the
44 defendant and the professional educator are the same person.

45 (c) Mandatory Revocation. – The State Board shall revoke the license of a professional
46 educator if the State Board receives notification from a local board of education or the
47 Secretary of Health and Human Services that a professional educator has received a rating on
48 any standard that was identified as an area of concern on the mandatory improvement plan that
49 was below proficient or otherwise represented unsatisfactory or below standard performance
50 under G.S. 115C-333(d) and G.S. 115C-333.1(f).

(d) Discretionary Revocation. – The State Board may revoke or refuse to renew a professional educator's license when the Board identifies the school in which the professional educator is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5, and the assistance team assigned to that school makes the recommendation to revoke or refuse to renew the professional educator's license for one or more reasons established by the State Board in its rules for license suspension or revocation.

(e) Subpoena Power. – The State Board may issue subpoenas for the purpose of obtaining documents or the testimony of witnesses in connection with proceedings to suspend or revoke licenses. In addition, the Board shall have the authority to contract with individuals who are qualified to conduct investigations in order to obtain all information needed to assist the Board in the proper disposition of allegations of misconduct by licensed persons."

PART IV. CONFORMING CHANGES

SECTION 4.(a) G.S. 93B-15.1(i) reads as rewritten:

"(i) For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under G.S. 115C-296. Article 17E of Subchapter V of Chapter 115C of the General Statutes."

SECTION 4.(b) G.S. 115C-296.7(g) reads as rewritten:

"(g) NC Teaching Corps members shall be granted ~~lateral entry teaching residency~~ licenses pursuant to G.S. 115C-296.12(a). Article 17E of this Chapter."

SECTION 4.(c) G.S. 115C-333(d) reads as rewritten:

"(d) State Board Notification. – If a local board dismisses an employee of a low-performing school who is a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses an employee who is a teacher on contract for cause or elects to not renew an employee's contract as a result of a superintendent's recommendation under subsection (b) or (c) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those individuals. If a local board hires one of these individuals, within 60 days the superintendent or the superintendent's designee shall observe the employee, develop a mandatory improvement plan to assist the employee, and submit the plan to the State Board. The State Board shall review the mandatory improvement plan and may provide comments and suggestions to the superintendent. If on the next evaluation the employee receives a rating on any standard that was identified as an area of concern on the mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board and the State Board shall initiate a proceeding to revoke the employee's license under ~~G.S. 115C-296(d).~~ G.S. 115C-270.35. If on this next evaluation the employee receives at least a proficient rating on all of the performance standards that were identified as areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the employee is in good standing and the State Board shall not continue to provide the individual's name to local boards under this subsection unless the employee is a teacher with career status and is subsequently dismissed under G.S. 115C-325 except for a reduction in force, or the employee is a teacher on contract subsequently dismissed under G.S. 115C-325.4."

SECTION 4.(d) G.S. 115C-333.1(f) reads as rewritten:

"(f) State Board Notification. – If a local board dismisses a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses a teacher on contract for cause or elects to not renew a teacher's contract as a result of a superintendent's recommendation under subsection (d) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those teachers. If a local board hires one of these teachers, within 60 days the superintendent or the superintendent's designee shall observe the teacher, develop a mandatory improvement plan to

1 assist the teacher, and submit the plan to the State Board. The State Board shall review the
2 mandatory improvement plan and may provide comments and suggestions to the
3 superintendent. If on the next evaluation the teacher receives a rating on any standard that was
4 an area of concern on the mandatory improvement plan that is again below proficient or a
5 rating that otherwise represents unsatisfactory or below standard performance, the local board
6 shall notify the State Board, and the State Board shall initiate a proceeding to revoke the
7 teacher's license under ~~G.S. 115C-296(d)~~. G.S. 115C-270.35. If on the next evaluation the
8 teacher receives at least a proficient rating on all of the overall performance standards that were
9 areas of concern on the mandatory improvement plan, the local board shall notify the State
10 Board that the teacher is in good standing, and the State Board shall not continue to provide the
11 teacher's name to local boards under this subsection unless the teacher has career status and is
12 subsequently dismissed under G.S. 115C-325 except for a reduction in force or is a teacher on
13 contract who is subsequently dismissed under G.S. 115C-325.4. If, however, on this next
14 evaluation the teacher receives a developing rating on any standards that were areas of concern
15 on the mandatory improvement plan, the teacher shall have one more year to bring the rating to
16 proficient if the local board elects to renew the teacher's contract. If by the end of this second
17 year the teacher is not proficient in all standards that were areas of concern on the mandatory
18 improvement plan, the local board shall notify the State Board, and the State Board shall
19 initiate a proceeding to revoke the teacher's license under
20 ~~G.S. 115C-296(d)~~. G.S. 115C-270.35."

21 **SECTION 4.(e)** G.S. 115D-5(p) reads as rewritten:

22 "(p) The North Carolina Community College System may offer courses, in accordance
23 with ~~the lateral entry program of study established under G.S. 115C-296.12, Article 17D of~~
24 Subchapter V of Chapter 115C of the General Statutes, to individuals who choose to enter the
25 teaching profession ~~by lateral entry through residency licensure~~."

26 **SECTION 4.(f)** G.S. 116-239.5(a) reads as rewritten:

27 "(a) The Board of Governors, in consultation with the constituent institutions of The
28 University of North Carolina with educator preparation programs, shall designate eight
29 constituent institutions to establish laboratory schools to serve public school students in
30 accordance with the provisions of this Article. The Board of Governors shall select eight
31 constituent institutions with quality educator preparation programs as demonstrated by the
32 annual performance measures reported by the constituent institutions in accordance with
33 ~~G.S. 115C-296.13~~. G.S. 115C-269.35."

34 **SECTION 4.(g)** G.S. 116-239.13(5) reads as rewritten:

35 "(5) Information on the student outcomes for students who are enrolled in each
36 educator preparation program who obtained clinical experience in school
37 leadership and teaching in the lab schools, including the performance
38 elements reported under ~~G.S. 115C-296.13(b)~~. G.S. 115C-269.35."

40 PART V. ENSURE AVAILABILITY OF INFORMATION ON TEACHER 41 VACANCIES

42 **SECTION 5.(a)** G.S. 115C-12(22) reads as rewritten:

43 "(22) Duty to Monitor the State of the Teaching Profession in North Carolina. –

44 a. The State Board of Education shall monitor and compile an annual
45 report on the state of the teaching profession in North Carolina that
46 includes data on the decisions of teachers to leave the teaching
47 profession. ~~The State Board shall adopt standard procedures for each~~
48 ~~local board of education to use in requesting the information from~~
49 ~~teachers who are not continuing to work as teachers in the local~~
50 ~~school administrative unit and shall require each local board of~~
51 ~~education to report the information to the State Board in a standard~~

format adopted by the State Board, profession and data on teaching positions that local boards of education are unable to fill, as provided in G.S. 115C-299.5.

b. ~~The annual teacher transition report shall include data on the following:~~

- ~~1. The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.~~
- ~~2. The number of teachers who left their employment to teach in other states.~~
- ~~3. The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.~~
- ~~4. The number of teachers who left a classroom position for another type of educational position.~~
- ~~5. The number of teachers who left employment in hard-to-staff schools. A hard-to-staff school shall be any school identified as low performing, as provided in G.S. 115C-105.37.~~
- ~~6. The number of teachers who left employment in hard-to-staff subject areas. A hard-to-staff subject area is either of the following:~~
 - ~~I. As defined by the United States Department of Education.~~
 - ~~II. A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.~~

e. ~~The annual teacher transition report by the State Board of Education shall disaggregate the data included in sub-subdivision b. of this subdivision by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level.~~

~~Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment.~~

~~The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher."~~

SECTION 5.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-299.5 Duty to monitor the state of the teaching profession.

(a) Definitions. – As used in this section, the following definitions apply:

(1) Hard-to-staff school. – Any school identified as low-performing, as provided in G.S. 115C-105.37.

(2) Hard-to-staff subject area. – A subject area that is either of the following:

a. As defined by the United States Department of Education.

b. A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.

(b) State of the Teaching Profession Report. – The State Board of Education shall monitor and compile an annual report by December 15 annually on the state of the teaching profession in North Carolina that includes data on the decisions of teachers to leave the teaching profession and vacancies in teaching positions as provided in subsections (c) and (e) of this section. The State Board shall adopt standard procedures for each local board of education to use in requesting information required by this report and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board.

(c) Teachers Leaving the Profession. – The report shall include the following data on the decisions of teachers to leave the teaching profession in the prior school year:

- (1) The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.
- (2) The number of teachers who left their employment to teach in other states.
- (3) The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.
- (4) The number of teachers who left a classroom position for another type of educational position.
- (5) The number of teachers who left employment in hard-to-staff schools.
- (6) The number of teachers who left employment in hard-to-staff subject areas.

(d) The annual teacher transition report by the State Board of Education shall disaggregate the data included in subsection (c) of this section by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment. The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher.

(e) Teacher Vacancies. – The report shall include data on teaching positions that local boards of education are unable to fill with a teacher licensed in that subject area by the fortieth school instructional day of the local school administrative unit's calendar. The report shall aggregate all data to provide both statewide information and information specific to each local school administrative units, including the following:

- (1) The number of teacher vacancies by subject area.
- (2) The number of teacher vacancies by school, with identification of hard-to-staff schools."

SECTION 5.(c) The State Board of Education shall complete the first annual report on the state of the teaching profession, including information on vacancies in the teaching profession, no later than December 15, 2017.

PART VI. EFFECTIVE DATE

SECTION 6.(a) This act is effective when it becomes law and applies beginning with the 2017-2018 school year.

SECTION 6.(b) Any rules required by this act shall be adopted by February 1, 2018.

SECTION 6.(c) The State Board shall accept applications from EPPs for initial approval no later than March 1, 2018, for EPPs applying to accept students in the 2018-2019 school year.

1 **SECTION 6.(d)** An EPP approved by the State Board prior to July 1, 2017, shall
2 be considered initially authorized until the earlier of June 30, 2020, or the date of its five-year
3 renewal.

4 **SECTION 6.(e)** All EPPs operating in the State on June 30, 2018, or thereafter
5 shall submit annual performance reports beginning with the 2018-2019 school year. The State
6 Board shall monitor the data quality of the annual performance reports, including checking for
7 statistical anomalies, data availability, and any other issues the State Board deems relevant. The
8 State Board shall report on its monitoring and recommend any legislative changes to the Joint
9 Legislative Education Oversight Committee by December 15, 2020.

10 **SECTION 6.(f)** The State Board shall not assign an accountability status to any
11 EPP during the 2018-2019, 2019-2020, or 2020-2021 school years but may require technical
12 assistance to an EPP at the EPP's expense based on reported performance measures. The State
13 Board shall only assign the accountability statuses of "warned" and "probation" during the
14 2021-2022 and 2022-2023 school years. The State Board may assign the accountability status
15 of "revoked" beginning with the 2023-2024 school year.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 599

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

S599-ABE-41 [v.5]

Page 1 of 2

Amends Title [NO]
S599-CSBE-24 [v.6]

Date _____, 2017

Senator Barefoot

moves to amend the bill on page 7, line 35, by rewriting the line to read:

"a. Adequate coursework in the relevant content area. For clinical residency programs, students may instead demonstrate mastery of the relevant content area through the passage of the relevant content area examination approved by the State Board.";

And on page 16, lines 5-13, by rewriting the lines to read:

"(5) Residency License or RL. – A one-year license, renewable once, that meets both of the following requirements:

a. Is requested by the local board of education and accompanied by a certification of supervision from the recognized educator preparation program in which the individual is enrolled.

b. The individual for whom the license is requested meets all of the following requirements:

1. Holds a bachelor's degree.

2. Has either completed coursework relevant to the requested licensure area or passed the content area examination relevant



* S 5 9 9 - A B E - 4 1 - V - 5 *

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 599**

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

S599-ABE-41 [v.5]

Page 2 of 2

- 1 to the requested licensure area that has been approved by the
2 State Board.
3 3. Is enrolled in a recognized educator preparation program.
4 4. Meets all other requirements established by the State Board,
5 including completing preservice requirements prior to
6 teaching."
7
8

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED ☒

FAILED ☐

TABLED ☐





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 599

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

S599-ATC-73 [v.4]

Page 1 of 1

Amends Title [NO]
S599-CSBE-24v6

Date _____, 2017

Senator Waddell

- 1 moves to amend the bill on page 16, line 3, by deleting the number "50" and substituting the
2 number "40".

SIGNED _____

Joseph Waddell
Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____



TABLED _____



* S 5 9 9 - A T C - 7 3 - V - 4 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 599

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

S599-ATC-71 [v.4]

Page 1 of 1

Amends Title [NO]
S599-CSBE-24v6

Date _____, 2017

Senator Smith-Ingram

- 1 moves to amend the bill on page 6, line 33, by deleting the number "2.7." and substituting the
2 number "2.5.".

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* S 5 9 9 - A T C - 7 1 - V - 4 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 599

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

S599-ATC-72 [v.3]

Page 1 of 1

Amends Title [NO]
S599-CSBE-24v6

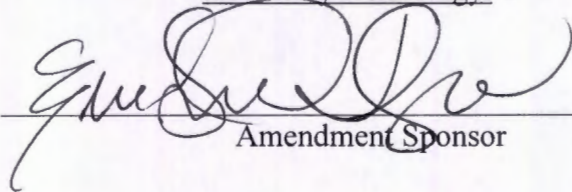
Date _____, 2017

Senator Smith-Ingram

1 moves to amend the bill on page 7, lines 37-38, by rewriting those lines to read:

- 2
3 "c. Adequate coursework in teaching integration of the arts and 21st
4 century milestones, including literacy beyond reading and
5 discernment of media.
6 d. Adequate coursework in formative and project-based assessments.
7 e. For EPPs providing training for science teachers, adequate
8 preparation in issues related to science laboratory safety and virtual
9 laboratory technology."

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____



TABLED _____



* S 5 9 9 - A T C - 7 2 - V - 3 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 599

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

S599-ATC-74 [v.3]

Page 1 of 1

Amends Title [NO]
S599-CSBE-24v6

Date _____, 2017

Senator Smith-Ingram

1 moves to amend the bill on page ¹⁶~~15~~, line ⁵~~42~~ by changing the phrase "one-year" to the phrase
2 "two-year";
3

4 and on page 16, line 13, by rewriting that line to read:
5

6 "A residency license may be renewed once for a term of one year.".
7
8

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____

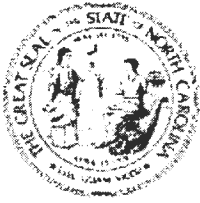
FAILED _____



TABLED _____



* S 5 9 9 - A T C - 7 4 - V - 3 *



HOUSE BILL 486: National Guard Education Assistance Changes.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 23, 2017
Introduced by:	Reps. G. Martin, Szoka	Prepared by:	Kara McCraw*
Analysis of:	PCS to First Edition H486-CSTC-41		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.*

The PCS for HB 486 would add new sections to the bill that 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.

SECTIONS 1 AND 2

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

BILL ANALYSIS: Sections 1 and 2 of the PCS for House Bill 486 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

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 486

Page 2

community college who are National Guard Service Members. These students must be given an excused absence for the period of time they are on State 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.
- 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.

SECTION 3

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 any of 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.
- 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: Section 3 of the PCS for HB 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 act would become effective when it becomes law. Sections 1 and 2 of the act would apply beginning with the 2017 fall academic semester.

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

**This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

H

1

HOUSE BILL 486*

Short Title: National Guard Tuition Assistance Program.

(Public)

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

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

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

March 28, 2017

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

5 The General Assembly of North Carolina enacts:

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

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

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

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





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 486
PROPOSED SENATE COMMITTEE SUBSTITUTE H486-CSTC-41 [v.2]

05/22/2017 9:06:36 PM

Short Title: National Guard Education Assistance Changes.

(Public)

Sponsors:

Referred to:

March 28, 2017

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

12 The General Assembly of North Carolina enacts:

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

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

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

34 **SECTION 1.(b)** The Board of Governors shall adopt the policies set out in
35 G.S. 116-11(3b), as enacted by subsection (a) of this section, by July 1, 2017, and shall direct each
36 constituent institution to implement those policies beginning with the 2017 fall academic term.



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

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

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

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

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

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

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

25 **SECTION 3.** G.S. 116-209.54(b) reads as rewritten:

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

28 (1) Students seeking to achieve completion of their secondary school education at a
29 community college or technical institute.

30 (2) Students seeking trade or vocational training or education.

31 (3) Students seeking to achieve a two-year associate degree.

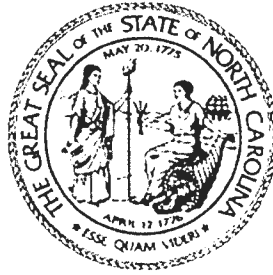
32 (4) Students seeking to achieve a four-year baccalaureate degree.

33 (5) Students seeking to achieve a graduate degree.

34 (6) Students enrolled in a program granting a graduate certificate.

35 (7) Students enrolled in a professional certification program recommended by the
36 Director of the North Carolina National Guard Education and Employment
37 Center and approved by the North Carolina National Guard Education Services
38 Officer."

39 **SECTION 4.** This act is effective when it becomes law. Sections 1 and 2 of this act
40 apply beginning with the 2017 fall academic semester.



SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE COMMITTEE ON EDUCATION/ HIGHER
EDUCATION**

DATE: 05-23-2017

ROOM: 544

TIME: 4:00 PM

1. LINDA MATTHEWS
2. TERRY BARNHARDT
3. BILLY FRITSCHER
4.



Senate Pages Attending

COMMITTEE: Education ROOM: 544

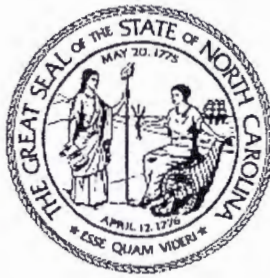
DATE: 5-23 TIME: ~~noon~~ 4 PM

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

	Page Name	Hometown	Sponsoring Senator
1.	Savannah Sasser	Salemberg	Rabin
2.	McCall Holland	Ocean Isle	Rabon
3.	Sheena Dean	Raleigh	Blue
4.	Elizabeth Bridgen	Kenly	Horner
5.	Mary Mooney	Morganton	Daniel
6.	Lindsay Puett	Morganton	Daniel
7.	Korbin Cummings	Charlotte	Waddell
8.			

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





NAME OF MEETING : Senate Committee / Education

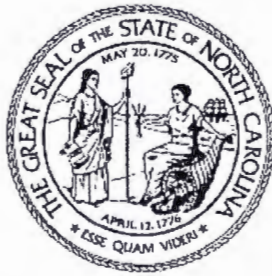
Higher Education

DATE: May 23, 2017

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Cecilia Holder	DPI SBE
Sam Host	NCELU
Demetrius	CU
Joyce Gardner	DPI - Ed Prep
Kerth Foster	Public School Forum
Rachel Brantley	Public School Forum
Catherine Truitt	UNC GA
Robb Jansen	DPI/SBE
JoAnne Honeycutt	DPI
Reynolds Walters Morgan	Council on Education
Michael Bostick	NC SBA
Phoebe Landon	MWC
Michelle Beaks	ECU
Drew Moretz	UNC GA
Mary Fleming	NCCCS





NAME OF MEETING : Senate Committee Education /
Higher Education

DATE: May 23, 2017

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
LaTanya Pothillo	Gov
Katie Gammon	Governor's Office
Rachel Nixon	Smith Anderson
Cameron Hoully	N/A
Lee Tucker	TAG
W. Darcus Calypso	PPAB
Marge Freeman	NCH
Franky Under	N/A
LTC Troy Holowiki	NCNB
Korey Kiger	Rep Stokes
Bryant D. Hollaway	Hollaway Group Inc.
Adam Pridemore	NCSA
Katherine Joyce	NCSA



Lynn Tennant (Sen. David Curtis)

From: Eric Naisbitt (Sen. Chad Barefoot)
Sent: Monday, May 22, 2017 07:32 PM
To: Sen. Chad Barefoot; Rep. Grier Martin; Rep. John Szoka
Cc: Eric Naisbitt (Sen. Chad Barefoot); Christopher Hailey (Rep. Grier Martin); Beverly Slagle (Rep. John Szoka)
Subject: <NCGA> Senate Education/Higher Education Committee Meeting Notice for Tuesday, May 23, 2017 at 12:00 PM
Attachments: Add Meeting to Calendar_LINC_.ics

Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 23, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>SB 599</u>	Excellent Educators for Every Classroom.	Senator Barefoot
<u>HB 486</u>	National Guard Tuition Assistance Program.	Representative G. Martin Representative Szoka

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



Lynn Tennant (Sen. David Curtis)

From: Eric Naisbitt (Sen. Chad Barefoot)
Sent: Tuesday, May 23, 2017 10:59 AM
To: Sen. Chad Barefoot; Rep. Grier Martin; Rep. John Szoka
Cc: Eric Naisbitt (Sen. Chad Barefoot); Christopher Hailey (Rep. Grier Martin); Beverly Slagle (Rep. John Szoka)
Subject: <NCGA> Senate Education/Higher Education Committee Meeting Notice for Tuesday, May 23, 2017 at 4:00 PM - CORRECTED #1
Attachments: Add Meeting to Calendar_LINC_.ics

Principal Clerk _____

Reading Clerk _____

Corrected #1: Note: time change

SENATE
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AND
BILL SPONSOR NOTICE

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Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Wednesday, May 24, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on May 24, 2017 in Room 544 of the Legislative Office Building. 12 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting by recognizing the Senate Pages and Senate Sergeant at Arms.

HB 486: National Guard Tuition Assistance Program. (Representatives G. Martin, Szoka)

Rep. Grier Martin presented the PCS to HB 486.

Sen. Curtis offered an amendment. Members of the committee were given the opportunity to ask questions to the amendment sponsor. Sen. Smith-Ingram moved to adopt the amendment. The amendment was adopted.

Sen. Smith-Ingram moved to report the bill as favorable to the proposed committee substitute as amended, rolled into a new proposed committee substitute, with a favorable report to the new committee substitute and an unfavorable report to the original bill. The motion was approved.

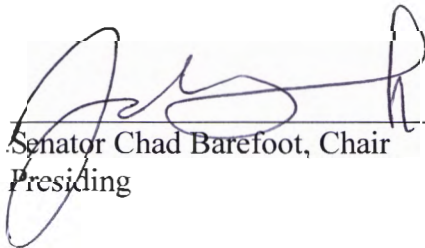
SB 599: Excellent Educators for Every Classroom. (Senator Barefoot)

Sen. Barefoot presented the PCS to SB 599.

Members of the committee were given the opportunity to ask questions.

Sen. Tarte moved to report the bill as favorable to the proposed committee substitute and an unfavorable report to the original bill. The motion was approved.

The meeting adjourned at 12:26 PM.



Senator Chad Barefoot, Chair
Presiding



Eric Naisbitt, Committee Clerk



**Senate Committee on Education/Higher Education
Wednesday, May 24, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 486	National Guard Tuition Assistance Program.	Representative G. Martin Representative Szoka
SB 599	Excellent Educators for Every Classroom.	Senator Barefoot

Adjournment



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, May 24, 2017

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

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

HB 486

National Guard Tuition Assistance Program.

Draft Number:	H486-PCS40584-TC-41
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Danny Earl Britt, Jr. will handle HB 486



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



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, May 24, 2017

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

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

SB 599

Excellent Educators for Every Classroom.

Draft Number: S599-PCS15205-BE-24

Sequential Referral: Finance

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle SB 599



* C M R 4 4 9 - V - 1 *





HOUSE BILL 486: National Guard Education Assistance Changes.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	May 23, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Reps. G. Martin, Szoka	Prepared by:	Kara McCraw*
Analysis of:	PCS to First Edition		Committee Counsel
	H486-CSTC-41		

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.*

The PCS for HB 486 would add new sections to the bill that 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.

SECTIONS 1 AND 2

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

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Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 486

Page 2

community college who are National Guard Service Members. These students must be given an excused absence for the period of time they are on State active duty.

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

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- 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.

SECTION 3

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 any of 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.
- 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: Section 3 of the PCS for HB 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 act would become effective when it becomes law. Sections 1 and 2 of the act would apply beginning with the 2017 fall academic semester.

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

**This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 486***

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

H486-ATC-75 [v.1]

Page 1 of 3

Amends Title [YES]
H486-CSTC-41

Date _____, 2017

~~Senator Barefoot~~ CURTIS

1 moves to amend the bill on page 1, lines 9-11, by rewriting those lines to read:

2
3 "ACADEMICALLY; TO BROADEN THE NATIONAL GUARD TUITION ASSISTANCE
4 PROGRAM TO COVER STUDENTS ENROLLED IN AN APPROVED
5 PROFESSIONAL CERTIFICATION PROGRAM; AND TO ENSURE COMPLIANCE
6 WITH FEDERAL LAW FOR IN-STATE TUITION FOR VETERANS.";

7
8 And on page 2, lines 39-40, by rewriting those lines to read:

9
10 "SECTION 4. G.S. 116-143.3A reads as rewritten:

11 "§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other
12 individuals entitled to federal education benefits under 38 U.S.C. Chapter 30 or
13 38 U.S.C. Chapter 33.

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

- 15 (1) Abode. – Has the same meaning as G.S. 116-143.3(a)(1).
16 (2) Armed Forces. – Has the same meaning as G.S. 116-143.3(a)(2).
17 (3) Veteran. – A person who served active duty for not less than 90 days in the
18 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,
19 or the National Oceanic and Atmospheric Administration and who was
20 discharged or released from such service.

21 (b) Waiver of 12-Month Residency Requirement for Veteran. – Any veteran who
22 qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3)
23 is eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment
24 without satisfying the 12-month residency requirement under G.S. 116-143.1, provided the
25 veteran meets all of the following criteria:

- 26 (1) The veteran applies for admission to the institution of higher education and
27 enrolls within three years of the veteran's discharge or release from the
28 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,
29 or the National Oceanic and Atmospheric Administration.
30 (2) The veteran qualifies for and uses educational benefits pursuant to 38 U.S.C.
31 Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance



* H 4 8 6 - A T C - 7 5 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 486*

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

H486-ATC-75 [v.1]

Page 2 of 3

Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as administered by the U.S. Department of Veterans Affairs.

(3) The veteran's abode is North Carolina.

(4) The veteran provides the institution of higher education at which the veteran intends to enroll a letter of intent to establish residence in North Carolina.

(c) Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33. – Any person who is entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 is also eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment without satisfying the 12-month residency requirement under G.S. 116-143.1, if the person meets all of the following criteria:

(1) The person qualifies for admission to the institution of higher education as defined in G.S. 116-143.1(a)(3) ~~and~~ and, with the exception of individuals described in subsections (c1) and (c2) of this section, enrolls in the institution of higher education within three years of the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration.

(2) The person is the recipient of federal educational benefits pursuant to 38 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as administered by the U.S. Department of Veterans Affairs.

(3) The person's abode is North Carolina.

(4) The person provides the institution of higher education at which the person intends to enroll a letter of intent to establish residence in North Carolina.

(c1) Recipients using transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319) while the transferor is on active duty in the Armed Forces, the commissioned corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration are eligible for the in-State tuition rate, provided the recipient's abode is in North Carolina and the recipient provides the institution of higher education a letter of intent to establish residency in North Carolina.

(c2) Recipients of the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)), whose parent or spouse died in the line of duty, without regard as to whether the death in the line of duty followed a period of active duty service of 90 days or more, are eligible to receive in-State tuition under this section, provided the recipient's abode is in North Carolina and the recipient provides the institution of higher education a letter of intent to establish residency in North Carolina.

(d) After the expiration of the three-year period following discharge ~~or death~~ as described in 38 U.S.C. § 3679(c), any enrolled veteran entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 and any other enrolled individual described in subsection (c) of this section entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who is eligible for in-State tuition under this section shall continue to be eligible for the in-State tuition rate so long as the covered individual

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 486*

H486-ATC-75 [v.1]

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

Page 3 of 3

1 remains continuously enrolled (other than during regularly scheduled breaks between courses,
2 quarters, terms, or semesters) at that institution of higher education."

3 **SECTION 5.** Section 4 of this act is effective July 1, 2017. The remainder of this
4 act is effective when it becomes law. Sections 1 and 2 of this act apply beginning with the
5 2017 fall academic semester."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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D

HOUSE BILL 486
PROPOSED SENATE COMMITTEE SUBSTITUTE H486-CSTC-41 [v.2]

05/22/2017 9:06:36 PM

Short Title: National Guard Education Assistance Changes.

(Public)

Sponsors:

Referred to:

March 28, 2017

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

12 The General Assembly of North Carolina enacts:

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

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

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

34 **SECTION 1.(b)** The Board of Governors shall adopt the policies set out in
35 G.S. 116-11(3b), as enacted by subsection (a) of this section, by July 1, 2017, and shall direct each
36 constituent institution to implement those policies beginning with the 2017 fall academic term.



* H 4 8 6 - C S T C - 4 1 *

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

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

- 7 (1) The student shall be given the opportunity to make up any test or other work
8 missed during the excused absence.
9 (2) The student shall be given the option, when feasible, to continue classes and
10 coursework during the academic term through online participation for the
11 period of time the student is placed on active duty.
12 (3) The student shall be given the option of receiving a temporary grade of
13 "incomplete (IN)" or "absent from the final exam (AB)" for any course that the
14 student was unable to complete as a result of being placed on State active duty
15 status; however, the student must complete the course requirements within the
16 period of time specified by the community college to avoid receiving a failing
17 grade for the course.
18 (4) The student shall be permitted to drop, with no penalty, any course that the
19 student was unable to complete as a result of being placed on State active duty
20 status."

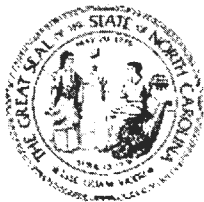
21 **SECTION 2.(b)** The State Board of Community Colleges shall adopt the policies set
22 out in G.S. 115D-5(x), as enacted by subsection (a) of this section, by July 1, 2017, and shall
23 direct each community college to implement those policies beginning with the 2017 fall academic
24 term.

25 **SECTION 3.** G.S. 116-209.54(b) reads as rewritten:

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

- 28 (1) Students seeking to achieve completion of their secondary school education at a
29 community college or technical institute.
30 (2) Students seeking trade or vocational training or education.
31 (3) Students seeking to achieve a two-year associate degree.
32 (4) Students seeking to achieve a four-year baccalaureate degree.
33 (5) Students seeking to achieve a graduate degree.
34 (6) Students enrolled in a program granting a graduate certificate.
35 (7) Students enrolled in a professional certification program recommended by the
36 Director of the North Carolina National Guard Education and Employment
37 Center and approved by the North Carolina National Guard Education Services
38 Officer."

39 **SECTION 4.** This act is effective when it becomes law. Sections 1 and 2 of this act
40 apply beginning with the 2017 fall academic semester.



SENATE BILL 599: Excellent Educators for Every Classroom.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 24, 2017
Introduced by:	Sen. Barefoot	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition S599-CSBE-24		Committee Co-Counsel

OVERVIEW: *Senate Bill 599 would do the following:*

- *Establish the Professional Educator Preparation and Standards (PEPS) Commission*
- *Authorize entities meeting certain criteria to become an approved educator preparation program (EPP)*
- *Establish a residency model to replace lateral entry, providing additional support for those teaching as their second career*
- *Create a structured EPP accountability system*
- *Clarify the educator licensure process*
- *Ensure availability of information on teacher vacancies occurring in North Carolina public schools*

The PCS engrosses an amendment adopted by the Committee on May 23, 2017.

PART I

BILL ANALYSIS: G.S. 115C-269.1 would establish the Professional Educator Preparation and Standards (PEPS) Commission. The PEPS Commission would be independent of the State Board of Education (State Board) and would recommend standards for educator preparation, licensure, continuing education, and conduct to the State Board.

PART II

EPP APPROVAL PROCESS

CURRENT LAW: Under G.S. 115C-296.8, the State Board may approve any institution of higher education as an EPP, provided that it meets standards required by statute and rule. The statutory standards require that the EPP:

- Either be State-approved or nationally accredited.
- Maintain minimum admission standards, such as satisfactory scores on the Praxis I and a minimum GPA of 2.7 (with an average GPA of at least 3.0 for each cohort).
- Provide instruction in certain areas, such as the identification of children with disabilities, positive behavior management, and digital instruction. Additional instruction is required for particular licensure areas.
- Require students to participate in field experiences each semester, gradually increasing in time and intensity as each semester goes on. Student teaching must take place for a minimum of 16 weeks.
- Require that clinical educators, who supervise student teachers, be licensed, have a minimum of 3 years of experience in a teaching role, and be rated as accomplished on the NC evaluation system.

Sharen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate PCS 599

Page 2

- Maintain a collaborative partnership with elementary schools and secondary schools and enter into a memorandum of understanding (MOU) with local school administrative units where students are placed, defining joint expectations for a collaborative process.

BILL ANALYSIS: G.S. 115C-269.1 would create explicit definitions for words used throughout Article 20A.

Particularly relevant changes include:

- EPPs: Any entity approved by the State Board rather than only institutions of higher education.
- Approved EPPs: EPPs that have met the requirements of the State Board in lieu of national accreditation.
- Initially Authorized EPP: An EPP that has been approved by the State Board or nationally accredited, but lacks the data to meet all of the accountability standards.
- Authorized EPP: An EPP that has met accountability standards and has been approved by the State Board or nationally accredited.
- Recognized EPP: An EPP that is either initially authorized or authorized, and has the authority to recommend students for educator licensure.
- Clinical intern: Individual who would have been previously called a student teacher.
- Resident: Individual who formerly would have received a lateral entry license.
- Clinical mentors: On-site teachers who would serve as mentors to residents.

G.S. 115C-269.5 would give the State Board the authority to recognize EPPs that meet the standards set out in Article 20A, thus allowing the EPPs to recommend candidates for licensure. Additionally, the statute would lay out the minimum standards EPPs must meet in order to be approved, which mirror those set out by the Council for the Accreditation of Educator Preparation (CAEP). G.S. 115C-269.10 would identify the process EPPs must go through in order to recommend students for educator licensure. To be initially authorized or authorized, EPPs must be approved by the State Board or accredited by CAEP, and they must satisfy the performance standards in a way that their status is not revoked under G.S. 115C-269.45. The minimum admissions requirements outlined in G.S. 115C-269.15 would still include a satisfactory Praxis I score. However, since there would no longer be a separate distinction for lateral entry candidates, having a bachelor's degree could also be used to satisfy this requirement. The 2.7 GPA requirement (with an average of at least 3.0 for each cohort), would remain the same.

G.S. 115C-269.15 would leave intact the requirements in current statute, but would add additional requirements, such as:

- Instruction related to the skills and responsibilities of teachers
- The expectations for student performance based on State standards
- The current supply of and demand for educators in the State
- The State's framework for appraisal of educators

Middle and high school teacher EPPs must also include adequate coursework in the relevant content area and in the teaching of the relevant content area.

G.S. 115C-269.1 would recodify existing clinical practice requirements with updated terminology. In addition, the statute lists requirements for residencies, which include:

- Residencies must last for a minimum of one year.
- EPPs must provide ongoing support to the resident.
- A clinical mentor must be assigned to the resident.
- Prior to the residency, the resident must complete preservice requirements set by the State Board.
- Additionally, the statute would require the clinical mentors to meet criteria similar to that of clinical educators.

EPP ACCOUNTABILITY SYSTEM

CURRENT LAW: G.S. 115C-296.13 requires EPPs to submit annual performance reports to the State Board. The statute outlines the minimum data that must be submitted with the report, but provides the State Board with discretion to add additional requirements. The State Board can take action against an EPP if it fails to meet any of the criteria outlined in G.S. 115C-296.8, which includes:

Senate PCS 599

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- Failing to report required information to the State Board.
- Offering misleading or false information about approved programs.
- Accepting students into any part of an EPP that is not approved by the State Board.
- Failing to comply with the EPP review process.
- Failing to meet standards for approval set forth by the State Board.

BILL ANALYSIS: G.S. 115C-269.35 modifies permissive accountability language by requiring the State Board to take action against an EPP when the EPP fails to meet standards on the following indicators, broken down by race, sex, and ethnicity:

- Performance of EPP graduates on annual teacher evaluations.
- Proficiency and growth of students taught by EPP graduates.
- Satisfaction of EPP graduates after their first year of teaching.
- Quality of students entering the EPP.

G.S. 115C-269.45 requires the State Board to annually evaluate an EPP's performance and assign an appropriate accountability status, if necessary, based on an EPP meeting one of the following criteria:

- Warned
 - Overall student performance standard is not met on at least one indicator in any one year.
 - Any two race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any one year.
 - Any single race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any two consecutive years.
 - State Board determines a law or rule violation merits warned status.
- Probation
 - Overall student performance standard is not met on at least one indicator in two consecutive years.
 - Any two race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any one year.
 - Any single race, sex, or ethnicity demographic groups' performance standards are not met on at least one indicator for any three consecutive years.
 - State Board determines a law or rule violation merits probation status.
- Revoked
 - EPP has been on probation status for three consecutive years.
 - EPP has been on probation status one year, but State Board determines revoked status is reasonably necessary.

If an EPP is in revoked status, its approval to recommend students for educator licensure is revoked. Other identified sanctions may be implemented at the State Board's discretion, such as:

- Requiring the EPP to obtain technical assistance.
- Requiring the EPP to obtain professional services from another entity.
- Appointing a monitor to oversee and report to the State Board.
- Managing the EPP's enrollment.

Any costs associated with the sanctions would be covered by the EPP.

G.S. 115C-269.35 would also require additional data that must be reported to the State Board and ultimately included in the EPP's report card, such as:

- The extent to which the program prepares educators to effectively teach students with disabilities and students of limited English proficiency.
- The number of EPP graduates who continue teaching at least three years after licensure.

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Senate PCS 599

Page 4

LATERAL ENTRY

CURRENT LAW: Under G.S. 115C-296.12, individuals with a bachelor's degree may start teaching without having completed an EPP. Eligible individuals receive an initial teaching license and may teach for three years while also completing a program of study designed to prepare the lateral entry teachers for continuing licensure. Lateral entry requirements can be completed at North Carolina colleges and universities, as well as local community colleges.

BILL ANALYSIS:

Senate Bill 599 would replace the lateral entry license with the residency license. Individuals who already have a bachelor's degree may enroll in an EPP and be employed to teach at the same time. As stated above, G.S. 115C-269.1 outlines the requirements for residencies, which include:

- Residencies must last for a minimum of one year.
- EPPs must provide ongoing support to the resident.
- A site-based clinical mentor must be assigned to the resident.
- Prior to the residency, the resident must complete requirements set by the State Board for field experience and coursework.

PARTS III, IV, AND V

BILL ANALYSIS:

- Repeals and recodifies G.S. 115C-296 by breaking it into different statutes for clarity.
- Defines various teacher licenses:
 - Continuing professional license: 5-year renewable license.
 - Emergency license: One-year nonrenewable license for individual who holds a bachelor's degree with relevant coursework, but who is not eligible for a residency license.
 - Initial professional license: 3-year nonrenewable license for individual who has completed a recognized EPP
 - Lifetime license: License issued after 50 or more years of teaching that requires no renewal
 - Residency license: One-year license (renewable once) issued to an individual who has:
 - Bachelor's degree with either coursework relevant to the requested licensure area or successful completion of the relevant content area examination.
 - Enrolled in a recognized EPP.
 - Has completed preservice field experience and coursework.
 - Retirement license: 5-year renewable license issued to a teacher who retired with 30 or more years of experience and who has served as a substitute teacher at least once every three years since retirement
- Requires a report on teaching positions that local boards of education are unable to fill by the 40th instructional day.
- Recodifies reporting requirements related to the state of the teaching profession.
- Makes various conforming changes.

EFFECTIVE DATE: The act would be effective when it becomes law and would apply beginning with the 2017-2018 school year. The act would be phased in such that:

- EPPs approved by the State Board prior to July 1, 2017 would be considered initially authorized until the earlier of June 30, 2020, or the date of its five-year renewal. EPPs not approved as of that date would first be eligible to open during 2018-2019 school year.
- Reporting requirements would begin with the 2018-2019 school year.
- No EPP may be assigned a "revoked" accountability status prior to the 2023-2024 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 599
PROPOSED COMMITTEE SUBSTITUTE S599-CSBE-24 [v.8]

05/23/2017 8:15:09 PM

Short Title: Excellent Educators for Every Classroom.

(Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION, TO AUTHORIZE THE EXPANSION OF EDUCATOR PREPARATION PROGRAMS AND TO CREATE A SYSTEM THAT HOLDS ALL PROGRAMS ACCOUNTABLE, TO REORGANIZE AND CLARIFY THE EDUCATOR LICENSURE PROCESS, AND TO ENSURE AVAILABILITY OF INFORMATION ON TEACHER VACANCIES OCCURRING IN NORTH CAROLINA PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

PART I. NORTH CAROLINA PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION

SECTION 1.(a) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17C.

"Professional Educator Preparation and Standards Commission.

"§ 115C-268.1. Professional Educator Preparation and Standards Commission.

(a) Commission. – There is created the Professional Educator Preparation and Standards Commission (Commission). The purpose of the Commission is to involve stakeholders in establishing high standards for North Carolina educators. The Commission shall make rule recommendations regarding all aspects of preparation, licensure, continuing education, and standards of conduct of public school educators.

(b) Location. – The Commission shall be located administratively under the State Board of Education but shall exercise its powers and duties independently of the State Board of Education.

(c) Membership. – The Commission shall consist of the following 18 members:

(1) The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint the following:

a. One superintendent.

b. One principal.

c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.

d. One dean, or dean's designee, of an educator preparation program at a nonpublic post-secondary educational institution in North Carolina.

e. One elementary school teacher.

f. One middle or high school teacher.

g. One personnel administrator from a local school administrative unit in North Carolina with at least 30,000 students.



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- h. One at-large member.
- (2) The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint the following:
 - a. One superintendent.
 - b. One principal.
 - c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.
 - d. One dean, or dean's designee, of an educator preparation program at a nonpublic post-secondary educational institution in North Carolina.
 - e. One elementary school teacher.
 - f. One middle or high school teacher.
 - g. One personnel administrator from a local school administrative unit in North Carolina with less than 30,000 students.
 - h. One at-large member.
- (3) The State Teacher of the Year.
- (4) The Superintendent of Public Instruction, or his or her designee.

In making appointments, the General Assembly is encouraged to select qualified citizens who are committed to improving the teaching profession and student achievement and who represent the racial, geographic, and gender diversity of the State. Before their appointment to this Commission, with the exception of the at-large members, the members must have been actively engaged in the profession of teaching, in the education of students in educator preparation programs, or in the practice of public school administration for at least three years, at least two of which occurred in this State. The members shall serve for two-year terms. Initial terms shall begin September 1, 2017. Vacancies in the membership shall be filled by the General Assembly, as provided in G.S. 120-122, using the same criteria as provided in this subsection.

(d) Organization and Functioning. – The Commission shall elect a chair, a vice-chair, and a secretary from among its membership. In the absence of the chair, the vice-chair shall preside over the Commission's meetings. All members are voting members, and a majority of the Commission constitutes a quorum. The Commission shall adopt rules to govern its proceedings.

(e) Meetings. – Meetings of the Commission shall be held upon the call of the chair or the vice-chair in the absence of the chair. The Superintendent shall call the initial meeting of the Commission.

(f) Compensation and Reimbursement. – Members of the Commission shall receive compensation for their services and reimbursement for expenses incurred in the performance of their duties required by this Article at the rate prescribed in G.S. 138-5 and G.S. 138-6.

(g) Personnel. – The Commission may employ, subject to Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions and fix compensation within the limits of funds available to the Commission.

"§ 115C-268.5. Powers and duties of the Commission.

(a) Duties. – The Commission shall:

- (1) Develop and recommend to the State Board of Education rules related to all aspects of educator preparation programs in accordance with Article 17D of this Chapter. These rules shall include requirements for appropriate pedagogy to be included in residency license programs.
- (2) Develop and recommend to the State Board of Education rules related to all aspects of professional standards for North Carolina educators in accordance with Article 17E of this Chapter. These rules shall include specific hour requirements for the following:
 - a. Preservice training and field experiences prior to entering the classroom for individuals issued residency licenses.

b. Preservice training prior to entering the classroom for individuals issue emergency licenses.

(3) Provide recommendations as requested to the State Board of Education related to the educator preparation programs and professional standards of North Carolina educators.

(b) The Commission shall recommend ways to ensure that the clinical practice requirements described in G.S. 115C-269.25(d) effectively prepare high quality professional educators who meet the demands of North Carolina schools.

(c) State Board Approval. – The Commission shall submit its recommendations under subsection (a) of this section to the State Board. The State Board shall adopt or reject the rules recommendations. The State Board shall not make any substantive changes to any rules recommendation that it adopts. If the State Board rejects the rules recommendation, it shall state with specificity its reasons for rejection; the Commission may then amend that rules recommendation and resubmit it to the State Board. The Board shall adopt or reject the amended rules recommendation. If the State Board fails to adopt the Commission's original and amended rule recommendations, the State Board may develop and adopt its own rules.

(d) Annual Report. – The Commission shall submit a report by December 1, 2018, and annually thereafter, to the Joint Legislative Education Oversight Committee and the State Board of Education of its activities during the preceding year, together with any recommendations and findings regarding improvement of the teaching profession."

PART II. EDUCATOR PREPARATION PROGRAMS

SECTION 2.(a) G.S. 115C-296.8 is repealed.

SECTION 2.(b) G.S. 115C-296.9 is repealed.

SECTION 2.(c) G.S. 115C-296.10 is repealed.

SECTION 2.(d) G.S. 115C-296.11 is repealed.

SECTION 2.(e) G.S. 115C-296.12 is repealed.

SECTION 2.(f) G.S. 115C-296.13 is repealed.

SECTION 2.(g) G.S. 115C-309 is repealed.

SECTION 2.(h) G.S. 115C-310 is repealed.

SECTION 2.(i) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17D.

"Educator Preparation Programs.

"§ 115C-269.1. Definitions.

As used in this Article, the following definitions shall apply:

(1) Approved EPP. – An EPP that has been approved by the State Board as meeting the requirements established by rule, as provided in G.S. 115C-269.10.

(2) Authorized EPP. – An EPP that (i) has met the accountability performance standards described in G.S. 115C-269.35 and (ii) has been approved by the State Board or accredited by CAEP to prepare, train, and recommend students for licensure.

(3) CAEP. – Council for the Accreditation of Educator Preparation.

(4) Clinical educator. – An individual employed by a partner school, including a classroom teacher, who assesses, supports, and develops a clinical intern's knowledge, skills, and professional disposition during an internship.

(5) Clinical intern or intern. – Any student enrolled in a recognized EPP who is jointly assigned by that EPP and a local board of education to teach under the direction and supervision of a clinical educator, as provided in G.S. 115C-269.25.

- 1 (6) Clinical internship or internship. – Type of field experience in which a clinical
2 intern works under the supervision of a clinical educator and may be delegated
3 those duties granted to an educator by G.S. 115C-307 and any other part of the
4 school program for which the clinical educator is responsible.
5 (7) Clinical mentor or mentor. – An individual employed by an elementary or
6 secondary school, including a classroom teacher, who assesses, supports, and
7 develops a clinical resident's knowledge, skills, and professional disposition
8 during the residency.
9 (8) Clinical residency or residency. – Type of field experience in which a clinical
10 resident who already holds a bachelor's degree is enrolled in a recognized EPP
11 and also employed by a local school administrative unit as an educator and
12 supervised by the recognized EPP in partial fulfillment of the recognized EPP's
13 training requirements.
14 (9) Clinical resident. – Any student who meets the following criteria:
15 a. Holds a bachelor's degree.
16 b. Is enrolled in a recognized EPP.
17 c. Is employed by a local school administrative unit as an educator and
18 supervised by the recognized EPP in partial fulfillment of the
19 recognized EPP's training requirements.
20 (10) Educator preparation program or EPP. – Any entity that prepares, trains, and
21 recommends students for teacher licensure.
22 (11) Field experience. – Placement of students enrolled in a recognized EPP in
23 settings to provide opportunities to observe, practice, and demonstrate
24 knowledge and skills. A field experience may include preclinical classroom
25 experiences.
26 (12) Field supervisor. – An individual who is employed by a recognized EPP to
27 observe students, monitor their performance, and provide constructive feedback
28 to improve their effectiveness as educators during their clinical internship or
29 residency.
30 (13) Initially authorized EPP. – An EPP that has been either approved by the State
31 Board or accredited by CAEP to prepare, train, and recommend students for
32 licensure, but lacks data required by the performance standards described in
33 G.S. 115C-269.35.
34 (14) Partner school. – An elementary or secondary school located in North Carolina
35 that includes (i) a public school governed by a local board of education, a
36 charter school board of directors, a regional school board of directors, or a UNC
37 laboratory school board of trustees; (ii) a Department of Defense Elementary
38 and Secondary School established pursuant to 10 U.S.C. § 2164; and (iii) a
39 nonpublic school that meets the requirements of Part 1 or 2 of Article 39 of this
40 Chapter.
41 (15) Recognized educator preparation program or recognized EPP. – An entity that
42 is initially authorized or authorized by the State Board to recommend students
43 for educator licensure.
44 (16) Student. – An individual enrolled in a recognized educator preparation
45 program.

46 **"§ 115C-269.5. Educator preparation programs.**

47 (a) Role of EPPs. – An EPP shall prepare students for educator licensure and meet the
48 standards and requirements set forth in this Article. To recommend students for licensure, an EPP
49 shall be recognized by the State Board.

1 (b) State Board Authority. – The State Board shall initially authorize and recognize an EPP
2 as required by this Article. The State Board shall have authority to regulate EPPs in accordance
3 with this Article.

4 (c) Initial Authorization. – The State Board shall assign the status of initially authorized to
5 an EPP if it has not yet generated sufficient data to meet the performance standards, but the EPP
6 meets one of the following criteria:

7 (1) The EPP is approved by the State Board.

8 (2) The EPP is nationally accredited by CAEP.

9 (d) Authorization. – The State Board shall assign the status of authorized to an EPP if the
10 EPP meets the following criteria:

11 (1) The EPP is approved by the State Board or nationally accredited by CAEP.

12 (2) The EPP satisfies the performance standards to the extent that the EPP has not
13 been assigned revoked status described in G.S. 115C-269.45.

14 (e) The State Board shall assign the status of recognized EPP to an EPP that has the status
15 of initially authorized or authorized.

16 **"§ 115C-269.10. Educator preparation program approval process.**

17 (a) State Board Authority. – The State Board shall have authority to approve an EPP that
18 meets the requirements established by rule as provided in subsection (b) of this section.

19 (b) Rules for Granting State Approval. – The State Board shall adopt rules for granting
20 approval to EPPs in accordance with this Article. The rules shall ensure the following:

21 (1) A rigorous approval process that requires that the criteria in this Article are met.

22 (2) An application process, peer review, and technical assistance provided by the
23 State Board.

24 (3) An approval period of five years and process for renewal of approval.

25 (c) Minimum Approval Standards. – At a minimum, the rules established as provided in
26 subsection (b) of this section shall include the following standards:

27 (1) Students shall develop a deep understanding of the critical concepts and
28 principles of their discipline and, by completion, be able to use
29 discipline-specific practices flexibly to advance the learning of all students
30 toward attainment of college- and career-ready standards.

31 (2) Effective partnerships and high-quality clinical practice shall be central to
32 preparation so that students develop the knowledge, skills, and professional
33 dispositions necessary to demonstrate positive impact on all elementary and
34 secondary students' learning and development.

35 (3) Quality of students shall be a continuing and purposeful part of the EPP's
36 responsibility from recruitment, at admission, through the progression of
37 courses and field experiences, and to decisions that completers are prepared to
38 teach effectively and are recommended for licensure. The EPP shall
39 demonstrate that development of student quality is the goal of educator
40 preparation in all phases of the program, through evidence of impact under
41 subdivision (4) of this subsection.

42 (4) The EPP shall demonstrate the impact of its completers on elementary and
43 secondary student learning and development, classroom instruction, and
44 schools, and the satisfaction of its completers with the relevance and
45 effectiveness of their preparation.

46 (5) The EPP shall maintain a quality assurance system comprised of valid data
47 from multiple measures, including evidence of students' and completers'
48 positive impact on elementary and secondary student learning and
49 development. The EPP shall support continuous improvement that is sustained
50 and evidence-based and that evaluates the effectiveness of its completers. The
51 EPP shall use the results of inquiry and data collection to establish priorities,

enhance program elements and capacity, and test innovations to improve completers' impact on elementary and secondary student learning and development.

(d) Application. – An EPP seeking to be approved by the State Board shall complete the application process established by the State Board.

(e) Peer Review. – An EPP seeking to be approved by the State Board shall undergo a peer review process established by the State Board that includes highly qualified and trained members to adequately review programs within the State.

(f) Technical Assistance. – For EPPs seeking approval, the State Board shall provide technical assistance in efforts to do the following:

(1) Improve education quality and EPP performance.

(2) Inform EPPs about the program approval process as part of EPP performance based on outcome data.

(3) Assist with State and federal reporting processes.

(4) Help build and maintain partnerships between elementary and secondary schools and EPPs.

"§ 115C-269.15. Minimum admissions requirements for educator preparation programs.

(a) Testing. – A recognized EPP shall not admit a student until that student has met one of the following criteria:

(1) Attained a passing score or prescribed minimum score set by the State Board for a preprofessional skills test.

(2) Achieved the appropriate required scores, as determined by the State Board, on the verbal and mathematics portions of the SAT or ACT. The minimum combined verbal and mathematics score set by the State Board for the SAT shall be 1,100 or greater. The minimum composite score set by the State Board for the ACT shall be 24 or greater.

(3) Holds a bachelor's degree.

(b) Grade Point Average. – A recognized EPP shall not admit a student into an EPP unless that student has earned a minimum grade point average of at least a 2.7. A recognized EPP shall ensure that the minimum cohort grade point average for each entering cohort to an EPP is at least a 3.0.

"§ 115C-269.20. Content and pedagogy requirements.

(a) Content and Pedagogy Requirements. – To ensure that EPPs remain current and reflect a rigorous course of study that is aligned to State and national standards, the State Board shall require at least the following minimum requirements with demonstrated competencies in its rules:

(1) All EPPs shall include instruction in the following:

a. The identification and education of children with disabilities.

b. Positive management of student behavior and effective communication techniques for defusing and de-escalating disruptive or dangerous behavior.

c. Demonstration of competencies in using digital and other instructional technologies to provide high-quality, integrated digital teaching and learning to all students.

d. The skills and responsibilities required of educators.

e. The expectations for student performance based on State standards.

f. The supply of and demand for educators in this State, as identified in the vacancy report required by G.S. 115C-299.5(e).

g. The State's framework for appraisal of educators.

(2) EPPs providing training for elementary education teachers shall include the following:

- a. Adequate coursework in the teaching of reading, writing, and mathematics.
 - b. Assessment prior to licensure to determine if a student possesses the requisite knowledge in scientifically based reading, writing, and mathematics instruction that is aligned with the State Board's expectations.
 - c. Instruction in application of formative and summative assessments within the school and classroom setting through technology-based assessment systems available in State schools that measure and predict expected student improvement.
 - d. Instruction in integration of arts education across the curriculum.
- (3) EPPs providing training for elementary and special education general curriculum teachers shall ensure that students receive instruction in early literacy intervention strategies and practices that are aligned with State and national reading standards and shall include the following:
- a. Instruction in the teaching of reading, including a substantive understanding of reading as a process involving oral language, phonological and phonemic awareness, phonics, fluency, vocabulary, and comprehension. Instruction shall include appropriate application of instructional supports and services and reading interventions to ensure reading proficiency for all students.
 - b. Instruction in evidence-based assessment and diagnosis of specific areas of difficulty with reading development and of reading deficiencies.
 - c. Instruction in appropriate application of instructional supports and services and reading interventions to ensure reading proficiency for all students.
- (4) EPPs providing training for middle and high school teachers shall include the following:
- a. Adequate coursework in the relevant content area. For clinical residency programs, students may instead demonstrate mastery of the relevant content area through the passage of the relevant content area examination approved by the State Board.
 - b. Adequate coursework in the teaching of the relevant content area.
 - c. For EPPs providing training for science teachers, adequate preparation in issues related to science laboratory safety.

"§ 115C-269.25. Clinical partnerships and practice in educator preparation programs.

(a) Collaborative Partnerships With Elementary and Secondary Schools. – EPPs shall establish and maintain collaborative, formalized partnerships with elementary and secondary partner schools that are focused on student achievement, continuous school improvement, and the professional development of elementary and secondary educators, as well as those preparing educators.

(b) Memorandum of Understanding With Local School Administrative Units. – EPPs shall enter into a memorandum of understanding with the local school administrative unit or the partner school where students are placed or employed. In the memorandum, the EPP and the local school administrative unit or partner school, as applicable, shall:

- (1) Define the collaborative relationship between the EPP and the local school administrative unit or partner school and how this partnership will be focused on continuous school improvement and student achievement.
- (2) Adopt a plan for collaborative clinical educator or mentor selection, orientation, and student placement.

- 1 (3) Determine how information will be shared and verified between the EPP and
2 the local school administrative unit or partner school.
- 3 (c) Field Experience Requirements. – To the extent practicable, EPPs shall require, in all
4 programs leading to initial professional licensure, the following:
- 5 (1) Field experiences in every semester that include organized and sequenced
6 engagement of students in settings that provide them with opportunities to
7 observe, practice, and demonstrate knowledge and skills. The experiences shall
8 be systematically designed and sequenced to increase the complexity and levels
9 of engagement with which students apply, reflect upon, and expand their
10 knowledge and skills, and to increase in each semester prior to the student's
11 internship the number of hours spent in field experiences.
- 12 (2) A minimum of two hours of field experience in the first semester of the
13 program and a cumulative total of at least 12 hours of field experiences prior to
14 the student's internship.
- 15 (3) At least one field experience in a low-performing school.
- 16 (d) Clinical Practice Requirements. – EPPs shall require clinical practice in the form of
17 one of the following:
- 18 (1) Internship that lasts for a minimum of 16 weeks. Internships may be over the
19 course of two semesters and shall, to the extent practicable, provide field
20 experiences at both the beginning and ending of the school year. It shall be the
21 responsibility of a clinical educator, in cooperation with the principal and the
22 representative of the EPP, to assign to the intern responsibilities and duties that
23 will provide adequate preparation for teaching.
- 24 (2) Residency that meets the following criteria:
- 25 a. The residency lasts for a minimum of one year.
- 26 b. The EPP provides ongoing support to a student for the full term of the
27 residency.
- 28 c. The EPP assigns a clinical mentor to the resident.
- 29 d. The resident completes field experiences and training required by the
30 State Board prior to the residency.
- 31 (e) Clinical Educator Requirements. – The EPP shall ensure clinical educators who
32 supervise students in internships meet the following requirements:
- 33 (1) Be professionally licensed in the field of licensure sought by the student.
- 34 (2) Have a minimum of three years of experience in a teaching role.
- 35 (3) Have been rated, through the educator's most recent formal evaluations, at least
36 at the "accomplished" level as part of the North Carolina Teacher Evaluation
37 System, or the equivalent on an evaluation system utilized by another state or
38 partner school, as applicable, and have met expectations as part of a student
39 growth assessment system used by a school in the field of licensure sought by
40 the student.
- 41 (f) Clinical Mentor Requirements. – The EPP shall ensure clinical educators who
42 supervise students in residencies meet the following requirements:
- 43 (1) Be professionally licensed in the field of licensure of the resident.
- 44 (2) Have a minimum of three years of experience in a teaching role.
- 45 (3) Have been rated, through the educator's most recent formal evaluations, at least
46 at the "accomplished" level as part of the North Carolina Teacher Evaluation
47 System, or the equivalent on an evaluation system utilized by another state or
48 partner school, as applicable, and have met expectations as part of a student
49 growth assessment system used by a school in the field of licensure sought by
50 the student.

1 (g) Legal Protection of Interns. – An intern under the supervision of a clinical educator or
2 principal shall have the protection of the laws accorded to a licensed educator.

3 (h) Pedagogy Assessment. – EPPs shall require, in addition to a content assessment, a
4 nationally normed and valid pedagogy assessment to determine clinical practice performance.
5 Passing scores and mastery criteria shall be determined by the State Board.

6 **"§ 115C-269.30. Teacher assistants engaged in internships.**

7 (a) Program for Teacher Assistants. – The State Board shall adopt a program to facilitate
8 the process by which teacher assistants may become teachers. Teacher assistants who participate
9 in this program:

10 (1) Shall be enrolled in a recognized EPP.

11 (2) Shall be employed in a North Carolina public school.

12 (b) Internship Assignments. – Local school administrative units are encouraged to assign
13 teacher assistants to a different classroom during an internship than the classroom they are
14 assigned to as a teacher assistant. To the extent possible, they may be assigned to another school
15 within the same local school administrative unit.

16 (c) Salary and Benefits. – At the discretion of the local school administrative unit, teacher
17 assistants may continue to receive their salary and benefits while interning in the same local
18 school administrative unit where they are employed as a teacher assistant.

19 (d) Consultation With Institutions of Higher Education. – The State Board shall consult
20 with the Board of Governors of The University of North Carolina and the North Carolina
21 Independent Colleges and Universities in the development of the program.

22 **"§ 115C-269.35. Accountability for educator preparation programs.**

23 (a) Performance Measures. – The State Board shall adopt rules necessary to establish
24 standards of performance to govern the continuing accountability of all EPPs. At a minimum, the
25 performance standards shall be based on the following information that is disaggregated with
26 respect to race, sex, and ethnicity:

27 (1) Performance based on the standards and criteria for annual evaluations of
28 licensed employees.

29 (2) Proficiency and growth of students taught by educators holding an initial
30 professional license, to the extent practicable. When available, EVAAS data
31 shall be used to measure student proficiency and growth.

32 (3) Results from an educator satisfaction survey, developed by the State Board with
33 stakeholder input, performed at the end of the educator's first year of teaching
34 after receiving an initial professional license.

35 (4) Quality of students entering the EPP, including the average grade point average
36 and average score on preprofessional skills tests or college entrance exams that
37 assess reading, writing, mathematics, and other competencies.

38 (b) Annual Performance Reports. – The State Board shall require all recognized EPPs to
39 submit annual performance reports. The performance reports shall provide the State Board with a
40 focused review of the EPPs and the current authorization process in order to ensure that the
41 programs produce graduates that are well prepared to teach. At a minimum, the annual report shall
42 contain the following indicators:

43 (1) Performance data from subsection (a) of this section.

44 (2) Data related to the EPP's compliance with requirements for field supervision of
45 students during their internship and residency experiences.

46 (3) The following information, disaggregated by race, sex, and ethnicity:

47 a. The number of students who apply.

48 b. The number of students admitted.

49 c. The number of students retained.

50 d. The number of students completing the program.

- 1 e. The number of students employed as beginning teachers under initial
2 professional licenses by not later than the first anniversary of
3 completing the program.
- 4 f. The amount of time required by students employed as beginning
5 teachers under residency licenses to be issued initial professional
6 licenses.
- 7 g. The number of students retained in the profession.
- 8 h. Any other information required by federal law.
- 9 (4) The ratio of field supervisors to students completing an internship or residency.
- 10 (5) Graduation rates.
- 11 (6) Time-to-graduation rates.
- 12 (7) Average scores of graduates on professional, pedagogy, and content area
13 examinations for the purpose of licensure.
- 14 (8) Percentage of graduates receiving initial professional licenses.
- 15 (9) The extent to which the program prepares educators, including general
16 education teachers and special education teachers, to effectively teach the
17 following:
- 18 a. Students with disabilities.
- 19 b. Students of limited English proficiency.
- 20 (10) The activities offered by the program that are designed to prepare educators to
21 do the following:
- 22 a. Integrate technology effectively into curricula and instruction, including
23 activities consistent with the principles of universal design for learning.
- 24 b. Use technology effectively to collect, manage, and analyze data to
25 improve teaching and learning for the purpose of increasing student
26 academic achievement.
- 27 (11) The perseverance of beginning educators in the profession, as determined on
28 the basis of the number of beginning educators who maintain status as active
29 contributing members in the North Carolina State Employee Retirement System
30 at least three years after licensure in comparison to similar programs.
- 31 (12) The results of surveys given to school principals that involve evaluation of the
32 program's effectiveness in preparing participants to succeed in the classroom,
33 based on experience with employed program participants.
- 34 (13) Any other information necessary to enable the State Board to assess the
35 effectiveness of the program on the basis of educator retention and success
36 criteria adopted by the State Board.
- 37 (c) Submission of Annual Performance Reports. – Performance reports shall be provided
38 annually to the following:
- 39 (1) The State Board.
- 40 (2) The board of trustees or board of directors of the entity submitting the report.
- 41 (d) Information Requests by EPPs. – The State Board of Education shall annually provide,
42 upon request, the data required to be included in an EPP's annual performance report related to
43 subdivisions (1) and (2) of subsection (a) of this section and subdivision (11) of subsection (b) of
44 this section. The State Board of Education shall provide this information to an EPP as aggregate
45 data and disaggregated by race, sex, and ethnicity. Notwithstanding Article 21A of this Chapter,
46 local school administrative units shall provide to the State Board of Education for the purposes of
47 these information requests any North Carolina Educator Evaluation System effectiveness status
48 assigned to teachers based on queries from the State Board. The State Board of Education shall not
49 report aggregated or disaggregated data to the EPP that reveals confidential information in a
50 teacher's personnel file, as defined by Article 21A of this Chapter, such as making the
51 effectiveness status personally identifiable to an individual teacher.

"§ 115C-269.40. Risk factors for educator preparation programs; risk-assessment model.

(a) Risk Factor Rules. – The State Board shall adopt rules establishing risk factors for assessment of the overall risk level of each EPP. The set of risk factors shall include the following:

(1) A history of the EPP's compliance with State law and rules, with consideration given to the following:

a. The seriousness of any violation of a law or rule.

b. Whether the violation resulted in an action being taken against the EPP.

c. Whether the violation was promptly remedied by the EPP.

d. The number of alleged violations.

e. Any other matter considered to be appropriate in evaluating the EPP's compliance history.

(2) Whether the program meets the accountability performance standards under G.S. 115C-269.35.

(b) CAEP Accreditation. – The rules for risk factors developed by the State Board may include whether an EPP is accredited by CAEP.

(c) Use of Risk Factors. – The State Board shall use the rules for risk factors when conducting monitoring, inspections, and compliance audits of EPPs, including evaluations associated with renewals of approval under G.S. 115C-269.10.

"§ 115C-269.45. Sanctions.

(a) Accountability Statuses. – The State Board shall at least annually review the accountability status of each EPP. The State Board shall adopt rules necessary for the sanction of EPPs that do not meet accountability standards or comply with State law or rules. The rules shall provide for the assignment of warned, probation, or revoked statuses according to the following criteria:

(1) Warned. – An EPP shall be assigned warned status if the program meets any of the following criteria:

a. Fails to meet the performance standards set by the State Board for the overall performance of all its students on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.

b. Fails to meet the performance standards in any two sex, race, or ethnicity demographic groups on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.

c. Fails to meet the performance standards for a sex, race, or ethnicity demographic group on any of the indicators set forth in G.S. 115C-269.35(a) for two consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

d. The State Board determines that the EPP has violated applicable laws or rules that should result in warned status.

(2) Probation. – An EPP shall be assigned probation status if the program meets any of the following criteria:

a. Fails to meet the performance standards set by the State Board for the overall performance of all its students on any of the indicators set forth in G.S. 115C-269.35(a) for two consecutively measured years.

b. Fails to meet the performance standards in any three sex, race, or ethnicity demographic groups on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.

c. Fails to meet the performance standards for a sex, race, or ethnicity demographic group on any of the indicators set forth in G.S. 115C-269.35(a) for three consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

- d. The State Board determines that the EPP has violated applicable laws or rules that should result in probation status.
- (3) Revoked. – An EPP shall be assigned revoked status and its approval to recommend students for educator licensure revoked if it meets any of the following criteria:
- a. Is assigned probation status for three consecutively measured years.
- b. Has been on probation status for one year, and the State Board determines that revoking the program's approval is reasonably necessary to achieve the purposes of this Article.
- (b) Revocation. – Any revocation of an EPP's accountability status shall meet the following criteria:
- (1) Complies with the requirements of notice as described in subsection (f) of this section.
- (2) Upon assignment of revoked status of EPP approval, the EPP shall not admit new students, but may complete the training of students already admitted by the program and recommend them for licensure. If necessary, the State Board and other EPPs shall cooperate to assist the previously admitted students of the revoked EPP to complete their training.
- (3) A revocation shall be effective for a period of at least two years. After two years, the program may seek initial authorization to prepare educators for licensure.
- (c) Range of Sanctions. – In addition to revocation as provided in subsections (a) and (b) of this section, the rules described in subsection (a) of this section shall provide for the State Board to assign other sanctions deemed necessary, including one or more of the following:
- (1) Requiring the EPP to obtain technical assistance approved by the State Board.
- (2) Requiring the EPP to obtain professional services under contract with another entity.
- (3) Appointing a monitor to participate in and report to the State Board on the activities of the EPP.
- (4) Managing the EPP's enrollment.
- (d) Particular Fields of Licensure. – Any sanction authorized or required to be taken against an EPP under subsection (c) of this section may also be taken with regard to a program for a particular field of licensure authorized to be offered by an EPP.
- (e) Costs. – Any costs associated with the sanctions under subsection (c) of this section shall be paid by the EPP.
- (f) Notice, Hearing, and Appeal. – The State Board shall give written notice to the EPP by certified mail of an EPP's revocation of authorized status, including a written explanation of the basis for the revocation. An EPP may commence a contested case as provided in Article 3 of Chapter 150B of the General Statutes as to the revocation by the State Board.
- "§ 115C-269.50. EPP report cards.**
- The State Board shall create a report card in a common format for each EPP that, at a minimum, summarizes the information collected in the annual performance reports, as set forth in G.S. 115C-269.35(b). The State Board shall make the report cards available to the public through the State Board's Internet Web site on an annual basis beginning December 15, 2019, and shall submit the report to the Joint Legislative Education Oversight Committee annually by that date. The State Board of Education shall also provide the information from each EPP's annual performance report to The Board of Governors of The University of North Carolina to be incorporated into the Teacher Quality Dashboard to provide greater accessibility and comparability of data on the performance of EPPs in the State.
- "§ 115C-269.55. Reports of alleged violations regarding educator preparation programs.**

(a) Authority. – The State Board shall adopt rules necessary to establish a process for a student to report a violation of this Article to the State Board.

(b) EPP Notice to Students. – The State Board by rule shall require an EPP to notify students of the complaint process adopted under subsection (a) of this section. The notice shall include the appropriate contact information, including name, mailing address, telephone number, and Internet Web site address for the purpose of directing complaints to the State Board. The EPP shall provide for that notification as follows:

(1) On the Internet Web site of the EPP, if the program maintains a Web site.

(2) On a sign prominently displayed in program facilities.

(3) In the student handbook.

(c) Notice of Complaint Process. – The State Board shall post the complaint process adopted under subsection (a) of this section on the State Board's Internet Web site.

(d) Limits on State Board Authority. – The State Board has no authority to mediate, arbitrate, or resolve contractual or commercial issues between an EPP and a student."

SECTION 2.(j) Article 19 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-284.1. School administrator preparation programs.

Rules for approval of school administrator preparation programs shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program."

PART III. EDUCATOR LICENSURE

SECTION 3.(a) G.S. 115C-296 is repealed.

SECTION 3.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-300.1. New teacher induction programs.

(a) Induction Program. – The State Board of Education shall develop a new teacher induction program to provide ongoing support for teachers entering the profession. In developing the program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program.

(b) New Teacher Guidelines. – For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines that address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that teachers holding initial professional licenses not be assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties of these teachers be minimized.

(c) Mentor Teacher Training. – The State Board shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program, including requiring that mentor teachers have been rated, through formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System and have met expectations for student growth.

(d) Mentor Funding. – The State Board of Education shall allot funds for mentoring services to local school administrative units based on the highest number of employees in the preceding three school years who (i) are paid with State, federal, or local funds and (ii) are either teachers paid on the first or second steps of the teacher salary schedule or instructional support personnel paid on the first step of the instructional support personnel salary schedule.

Local school administrative units shall use these funds to provide mentoring support to eligible employees in accordance with a plan approved by the State Board of Education. The plan shall include information on how all mentors in the local school administrative unit will be adequately trained to provide mentoring support."

SECTION 3.(c) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17E.

"Licensure.

"§ 115C-270.1. Definitions.

As used in this Article, the following definitions shall apply:

- (1) Administrator. – An administrator or supervisor who serves in general and program administrator roles, as classified by the State Board. Administrators shall include superintendents, assistant or associate superintendents, principals, assistant principals, or curriculum-instructional specialists.
- (2) Professional educator. – An administrator, teacher, or student services personnel.
- (3) Recognized educator preparation program or recognized EPP. – As defined in G.S. 115C-269.1(15).
- (4) Student services personnel. – An individual providing specialized assistance to students, teachers, administrators, or the education program in general, as classified by the State Board. Student services personnel shall include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.
- (5) Teacher. – An individual whose major responsibility is to either teach or directly supervise teaching, as classified by the State Board.

"§ 115C-270.5. State Board of Education establishes licensure requirements.

(a) Authority. – The State Board of Education shall have entire control of licensing all applicants for professional educator positions in all public schools of North Carolina, subject to the requirements of this Article. The State Board shall adopt rules for the issuance, renewal, and extension of all licenses and shall determine and fix the salary for each grade and type of license which it authorizes.

(b) Consultation – The State Board shall receive recommendations from the Professional Educator Preparation and Standards Commission and seek input from The University of North Carolina Board of Governors, the State Board of Community Colleges, educator preparation programs, and such other public and private agencies as are necessary in adopting rules required by this Article.

"§ 115C-270.10. Licensure fees.

(a) Fee Schedule. – The State Board of Education shall establish by rule a schedule of fees for professional educator licensure and administrative changes. The fees established under this section shall not exceed the actual cost of providing the service. The schedule may include fees for any of the following services:

- (1) Application for demographic or administrative changes to a license.
- (2) Application for a duplicate license or for copies of documents in the licensure files.
- (3) Application for a renewal, extension, addition, upgrade, reinstatement, and variation to a license.
- (4) Initial application for a new graduate from any recognized educator preparation program.
- (5) Initial application for an out-of-state applicant.
- (6) All other applications.

An applicant must pay any nonrefundable or nontransferable service fees at the time an application is submitted.

(b) Fee Increase Reporting. – The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15 in any year that the amount of fees in the fee schedule established under this section has been modified during the previous 12 months.

1 The report shall include the number of personnel paid from licensure receipts, any change in
2 personnel paid from receipts, other related costs covered by the receipts, and the estimated
3 unexpended receipts as of June 30 of the year reported.

4 **"§ 115C-270.15. Examination requirements for initial professional licenses.**

5 (a) Examination Score Requirements. – The State Board of Education shall require an
6 applicant for an initial professional license to demonstrate the applicant's academic and
7 professional preparation by achieving a prescribed minimum score on a standard examination
8 appropriate and adequate for that purpose. Elementary education (K-6) and special education
9 general curriculum teachers shall also achieve a prescribed minimum score on subtests or standard
10 examinations specific to teaching reading and mathematics.

11 (b) Establishment of Minimum Scores. – The State Board shall adopt rules that establish
12 the minimum scores for any required standard examinations and other measures necessary to
13 assess the qualifications of professional educators as required under this section. For purposes of
14 this section, the State Board shall not be subject to Article 2A of Chapter 150B of the General
15 Statutes. At least 30 days prior to changing any rule adopted under this section, the State Board
16 shall provide written notice to all recognized educator preparation programs and to all local boards
17 of education. The written notice shall include the proposed revised rule. The State Board of
18 Education shall make any required standard initial professional licensure exam rigorous and raise
19 the prescribed minimum score as necessary to ensure that each applicant has received high-quality
20 academic and professional preparation to teach effectively.

21 (c) Time Line for Completion of Examinations. – The State Board of Education shall
22 permit an applicant to fulfill any such testing requirement before or during the applicant's second
23 year of teaching, provided the applicant took the examination at least once during the first year of
24 teaching.

25 **"§ 115C-270.20. Licensure requirements.**

26 (a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the following
27 classes of teacher licenses, including required levels of preparation for each classification:

28 (1) Continuing professional license or CPL. – A five-year renewable license issued
29 to a teacher who has at least three years of licensed teaching experience and
30 meets other requirements established by the State Board. A CPL shall remain in
31 effect for five years after retirement.

32 (2) Emergency license or EL. – A one-year nonrenewable license issued to an
33 individual who holds a bachelor's degree with coursework relevant to the
34 requested licensure area, but has not successfully completed a recognized
35 educator preparation program and does not qualify for a residency license. An
36 emergency license shall only be requested by the local board of education, and
37 applicants for emergency licenses shall meet all other requirements established
38 by the State Board, including preservice training, prior to teaching.

39 (3) Initial professional license or IPL. – A three-year nonrenewable license issued
40 to an individual who has successfully completed a recognized educator
41 preparation program and meets other requirements established by the State
42 Board.

43 (4) Lifetime license. – A license issued to a teacher after 50 or more years of
44 teaching as a licensed teacher that requires no renewal.

45 (5) Residency License or RL. – A one-year license, renewable once, that meets
46 both of the following requirements:

47 a. Is requested by the local board of education and accompanied by a
48 certification of supervision from the recognized educator preparation
49 program in which the individual is enrolled.

50 b. The individual for whom the license is requested meets all of the
51 following requirements:

1. Holds a bachelor's degree.
 2. Has either completed coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the State Board.
 3. Is enrolled in a recognized educator preparation program.
 4. Meets all other requirements established by the State Board, including completing preservice requirements prior to teaching.
- (6) Retirement licensure. – A five-year renewable license issued to a teacher who retired with 30 or more years of teaching experience in North Carolina and who has served as a substitute teacher at least once every three years since retirement.

(b) Administrator and Student Services Personnel. – The State Board shall establish classification and levels of preparation necessary for issuance of licenses for administrators and student services personnel.

(c) Notwithstanding the requirement in subsection (a) of this section that an individual must hold a bachelor's degree with coursework relevant to the requested licensure area, for individuals seeking licensure in a career or technical education area, the State Board may establish alternate criteria related to that area to establish competency in lieu of a bachelor's degree.

"§ 115C-270.25. Out-of-state license applicants.

Initial applications from an individual with an out-of-state teacher's license shall require the applicant to provide evidence of that teacher's effectiveness, when available, as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that evaluation system. Applications that include the evidence of that educator's effectiveness shall be prioritized for review over initial applications from applicants with out-of-state licenses that do not include that information. An individual who does not include evidence of that teacher's effectiveness with the initial application shall only be eligible for an IPL.

"§ 115C-270.30. Licensure renewal.

(a) Licensure Renewal. – The State Board shall adopt rules establishing the requirements for renewal of all professional educator licenses. These requirements shall reflect rigorous standards for continuing licensure and shall be aligned with high-quality professional development programs that reflect State priorities for improving student achievement.

(b) Teacher Licensure Renewal. – Rules for continuing licensure for teachers shall include the following:

- (1) For all teachers, at least eight continuing education credits with at least three credits required in a teacher's academic subject area.
- (2) For elementary and middle school teachers, at least three continuing education credits related to literacy. Literacy renewal credits shall include evidence-based assessment, diagnosis, and intervention strategies for students not demonstrating reading proficiency. Oral language, phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.
- (3) For retirement licensure, at least 640 hours of documented substitute teaching each renewal cycle and eight hours of annual professional development approved by a local school administrative unit.
- (4) For all teachers employed by a local board of education, evidence of a rating of at least proficient on the most recent annual evaluation to maintain the current license status. A teacher who is unable to satisfy this requirement, but has been

placed on a mandatory improvement plan, may be eligible to receive an IPL if that teacher satisfies all other licensure requirements.

(c) License Renewal Rules Review. – The rules for licensure renewal shall be reviewed at least once every five years by the State Board to do the following:

- (1) Reevaluate and enhance the requirements for renewal of professional educator licenses.
- (2) Consider modifications in the license renewal achievement to make it a mechanism for professional educators to renew continually their knowledge and professional skills.
- (3) Integrate digital teaching and learning into the requirements for licensure renewal.

"§ 115C-270.35. License suspension and revocation.

(a) The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of licenses, subject to the requirements of this section.

(b) Automatic Revocation With No Hearing. – The State Board shall automatically revoke the license of a professional educator without the right to a hearing upon receiving verification of the identity of the professional educator together with a certified copy of a criminal record showing that the professional educator has entered a plea of guilty or nolo contendere to or has been finally convicted of any of the following crimes:

- (1) Murder in the first or second degree, G.S. 14-17.
- (2) Conspiracy or solicitation to commit murder, G.S. 14-18.1.
- (3) Rape or sexual offense, as defined in Article 7B of Chapter 14 of the General Statutes.
- (4) Felonious assault with deadly weapon with intent to kill or inflicting serious injury, G.S. 14-32.
- (5) Kidnapping, G.S. 14-39.
- (6) Abduction of children, G.S. 14-41.
- (7) Crime against nature, G.S. 14-177.
- (8) Incest, G.S. 14-178 or G.S. 14-179.
- (9) Employing or permitting minor to assist in offense against public morality and decency, G.S. 14-190.6.
- (10) Dissemination to minors under the age of 16 years, G.S. 14-190.7.
- (11) Dissemination to minors under the age of 13 years, G.S. 14-190.8.
- (12) Displaying material harmful to minors, G.S. 14-190.14.
- (13) Disseminating harmful material to minors, G.S. 14-190.15.
- (14) First degree sexual exploitation of a minor, G.S. 14-190.16.
- (15) Second degree sexual exploitation of a minor, G.S. 14-190.17.
- (16) Third degree sexual exploitation of a minor, G.S. 14-190.17A.
- (17) Taking indecent liberties with children, G.S. 14-202.1.
- (18) Solicitation of child by computer to commit an unlawful sex act, G.S. 14-202.3.
- (19) Taking indecent liberties with a student, G.S. 14-202.4.
- (20) Prostitution, G.S. 14-204.
- (21) Patronizing a prostitute who is a minor or a mentally disabled person, G.S. 14-205.2(c) or (d).
- (22) Promoting prostitution of a minor or a mentally disabled person, G.S. 14-205.3(b).
- (23) Child abuse under G.S. 14-318.4.

The State Board shall mail notice of its intent to act pursuant to this subsection by certified mail, return receipt requested, directed to the professional educator's last known address. The notice shall inform the professional educator that it will revoke the person's license unless the professional educator notifies the State Board in writing within 10 days after receipt of the notice

1 that the defendant identified in the criminal record is not the same person as the professional
2 educator. If the professional educator provides this written notice to the State Board, the State
3 Board shall not revoke the license unless it can establish as a fact that the defendant and the
4 professional educator are the same person.

5 (c) Mandatory Revocation. – The State Board shall revoke the license of a professional
6 educator if the State Board receives notification from a local board of education or the Secretary of
7 Health and Human Services that a professional educator has received a rating on any standard that
8 was identified as an area of concern on the mandatory improvement plan that was below proficient
9 or otherwise represented unsatisfactory or below standard performance under G.S. 115C-333(d)
10 and G.S. 115C-333.1(f).

11 (d) Discretionary Revocation. – The State Board may revoke or refuse to renew a
12 professional educator's license when the Board identifies the school in which the professional
13 educator is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5, and the
14 assistance team assigned to that school makes the recommendation to revoke or refuse to renew
15 the professional educator's license for one or more reasons established by the State Board in its
16 rules for license suspension or revocation.

17 (e) Subpoena Power. – The State Board may issue subpoenas for the purpose of obtaining
18 documents or the testimony of witnesses in connection with proceedings to suspend or revoke
19 licenses. In addition, the Board shall have the authority to contract with individuals who are
20 qualified to conduct investigations in order to obtain all information needed to assist the Board in
21 the proper disposition of allegations of misconduct by licensed persons."

22 **SECTION 3.(d).** Any professional educator license issued by the State Board of
23 Education prior to the effective date of this act shall continue in effect until the expiration of that
24 license. The State Board of Education may continue to issue lateral entry licenses for the
25 2017-2018 and 2018-2019 school years in accordance with State Board Policy LICN-001 as it was
26 in effect on the effective date of this act.

27 28 **PART IV. ENSURE AVAILABILITY OF INFORMATION ON TEACHER VACANCIES**

29 **SECTION 4.(a)** G.S. 115C-12(22) reads as rewritten:

30 "(22) Duty to Monitor the State of the Teaching Profession in North Carolina. –

- 31 a. The State Board of Education shall monitor and compile an annual
32 report on the state of the teaching profession in North Carolina that
33 includes data on the decisions of teachers to leave the teaching
34 profession. ~~The State Board shall adopt standard procedures for each~~
35 ~~local board of education to use in requesting the information from~~
36 ~~teachers who are not continuing to work as teachers in the local school~~
37 ~~administrative unit and shall require each local board of education to~~
38 ~~report the information to the State Board in a standard format adopted~~
39 ~~by the State Board.~~ profession and data on teaching positions that local
40 boards of education are unable to fill, as provided in G.S. 115C-299.5.
41 b. ~~The annual teacher transition report shall include data on the following:~~
42 1. ~~The number of teachers who left the profession without~~
43 ~~remaining in the field of education and the reasons for teachers~~
44 ~~leaving the profession.~~
45 2. ~~The number of teachers who left their employment to teach in~~
46 ~~other states.~~
47 3. ~~The number of teachers who left their employment to work in~~
48 ~~another school in North Carolina, including nonpublic schools~~
49 ~~and charter schools.~~
50 4. ~~The number of teachers who left a classroom position for~~
51 ~~another type of educational position.~~

5. ~~The number of teachers who left employment in hard-to-staff schools. A hard-to-staff school shall be any school identified as low-performing, as provided in G.S. 115C-105.37.~~

6. ~~The number of teachers who left employment in hard-to-staff subject areas. A hard-to-staff subject area is either of the following:~~

I. ~~As defined by the United States Department of Education.~~

II. ~~A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.~~

e. ~~The annual teacher transition report by the State Board of Education shall disaggregate the data included in sub-subdivision b. of this subdivision by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level.~~

~~Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment.~~

~~The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher."~~

SECTION 4.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-299.5. Duty to monitor the state of the teaching profession.

(a) Definitions. – As used in this section, the following definitions apply:

(1) Hard-to-staff school. – Any school identified as low-performing, as provided in G.S. 115C-105.37.

(2) Hard-to-staff subject area. – A subject area that is either of the following:

a. As defined by the United States Department of Education.

b. A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.

(b) State of the Teaching Profession Report. – The State Board of Education shall monitor and compile an annual report by December 15 annually on the state of the teaching profession in North Carolina that includes data on the decisions of teachers to leave the teaching profession and vacancies in teaching positions as provided in subsections (c) and (e) of this section. The State Board shall adopt standard procedures for each local board of education to use in requesting information required by this report and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board.

(c) Teachers Leaving the Profession. – The report shall include the following data on the decisions of teachers to leave the teaching profession in the prior school year:

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

(2) The number of teachers who left their employment to teach in other states.

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

(4) The number of teachers who left a classroom position for another type of educational position.

(5) The number of teachers who left employment in hard-to-staff schools.

(6) The number of teachers who left employment in hard-to-staff subject areas.

(d) The annual teacher transition report by the State Board of Education shall disaggregate the data included in subsection (c) of this section by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment. The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher.

(e) Teacher Vacancies. – The report shall include data on teaching positions that local boards of education are unable to fill with a teacher licensed in that subject area by the fortieth school instructional day of the local school administrative unit's calendar. The report shall aggregate all data to provide both statewide information and information specific to each local school administrative units, including the following:

(1) The number of teacher vacancies by subject area.

(2) The number of teacher vacancies by school, with identification of hard-to-staff schools."

SECTION 4.(c) The State Board of Education shall complete the first annual report on the state of the teaching profession, including information on vacancies in the teaching profession, no later than December 15, 2017.

PART V. CONFORMING CHANGES

SECTION 5.(a) G.S. 93B-15.1(i) reads as rewritten:

"(i) For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under G.S. 115C-296. Article 17E of Subchapter V of Chapter 115C of the General Statutes."

SECTION 5.(b) G.S. 115C-296.7(g) reads as rewritten:

"(g) NC Teaching Corps members shall be granted ~~lateral entry teaching residency~~ licenses pursuant to ~~G.S. 115C-296.12(a).~~ Article 17E of this Chapter."

SECTION 5.(c) G.S. 115C-325.1(6)a. reads as rewritten:

"a. ~~Who holds at least one of the following licenses issued by the State Board of Education:~~

1. ~~A current standard professional educator's license.~~

2. ~~A current lateral entry teaching license.~~

3. ~~A regular, not expired, vocational license."~~

SECTION 5.(d) G.S. 115C-325.4(a)(11):

"(11) Any cause which constitutes grounds for the revocation of the ~~teacher's teaching license or the school administrator's administrator~~ professional educator's license."

SECTION 5.(e) G.S. 115C-333(d) reads as rewritten:

"(d) State Board Notification. – If a local board dismisses an employee of a low-performing school who is a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses an employee who is a teacher on contract for cause or elects to not renew an employee's contract as a result of a superintendent's recommendation under subsection (b) or (c) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those individuals. If a local board hires one of these individuals, within 60 days the superintendent or the superintendent's designee shall observe the employee, develop a mandatory improvement plan to assist the employee, and submit the plan to the State Board. The State Board shall review the mandatory improvement plan

1 and may provide comments and suggestions to the superintendent. If on the next evaluation the
2 employee receives a rating on any standard that was identified as an area of concern on the
3 mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory
4 or below standard performance, the local board shall notify the State Board and the State Board
5 shall initiate a proceeding to revoke the employee's license under
6 ~~G.S. 115C-296(d)~~. G.S. 115C-270.35. If on this next evaluation the employee receives at least a
7 proficient rating on all of the performance standards that were identified as areas of concern on the
8 mandatory improvement plan, the local board shall notify the State Board that the employee is in
9 good standing and the State Board shall not continue to provide the individual's name to local
10 boards under this subsection unless the employee is a teacher with career status and is
11 subsequently dismissed under G.S. 115C-325 except for a reduction in force, or the employee is a
12 teacher on contract subsequently dismissed under G.S. 115C-325.4."

13 **SECTION 5.(f)** G.S. 115C-333.1(f) reads as rewritten:

14 "(f) State Board Notification. – If a local board dismisses a teacher with career status for
15 any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses a teacher on
16 contract for cause or elects to not renew a teacher's contract as a result of a superintendent's
17 recommendation under subsection (d) of this section, it shall notify the State Board of the action,
18 and the State Board annually shall provide to all local boards the names of those teachers. If a
19 local board hires one of these teachers, within 60 days the superintendent or the superintendent's
20 designee shall observe the teacher, develop a mandatory improvement plan to assist the teacher,
21 and submit the plan to the State Board. The State Board shall review the mandatory improvement
22 plan and may provide comments and suggestions to the superintendent. If on the next evaluation
23 the teacher receives a rating on any standard that was an area of concern on the mandatory
24 improvement plan that is again below proficient or a rating that otherwise represents
25 unsatisfactory or below standard performance, the local board shall notify the State Board, and the
26 State Board shall initiate a proceeding to revoke the teacher's license under
27 ~~G.S. 115C-296(d)~~. G.S. 115C-270.35. If on the next evaluation the teacher receives at least a
28 proficient rating on all of the overall performance standards that were areas of concern on the
29 mandatory improvement plan, the local board shall notify the State Board that the teacher is in
30 good standing, and the State Board shall not continue to provide the teacher's name to local boards
31 under this subsection unless the teacher has career status and is subsequently dismissed under
32 G.S. 115C-325 except for a reduction in force or is a teacher on contract who is subsequently
33 dismissed under G.S. 115C-325.4. If, however, on this next evaluation the teacher receives a
34 developing rating on any standards that were areas of concern on the mandatory improvement
35 plan, the teacher shall have one more year to bring the rating to proficient if the local board elects
36 to renew the teacher's contract. If by the end of this second year the teacher is not proficient in all
37 standards that were areas of concern on the mandatory improvement plan, the local board shall
38 notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's
39 license under ~~G.S. 115C-296(d)~~. G.S. 115C-270.35."

40 **SECTION 5.(g)** G.S. 115D-5(p) reads as rewritten:

41 "(p) The North Carolina Community College System may offer courses, in accordance with
42 ~~the lateral entry program of study established under G.S. 115C-296.12, Article 17D of Subchapter~~
43 V of Chapter 115C of the General Statutes, to individuals who choose to enter the teaching
44 profession ~~by lateral entry through residency licensure.~~"

45 **SECTION 5.(h)** G.S. 116-239.5(a) reads as rewritten:

46 "(a) The Board of Governors, in consultation with the constituent institutions of The
47 University of North Carolina with educator preparation programs, shall designate eight constituent
48 institutions to establish laboratory schools to serve public school students in accordance with the
49 provisions of this Article. The Board of Governors shall select eight constituent institutions with
50 quality educator preparation programs as demonstrated by the annual performance measures
51 reported by the constituent institutions in accordance with ~~G.S. 115C-296.13~~. G.S. 115C-269.35."

1 **SECTION 5.(i)** G.S. 116-239.13(5) reads as rewritten:

2 "(5) Information on the student outcomes for students who are enrolled in each
3 educator preparation program who obtained clinical experience in school
4 leadership and teaching in the lab schools, including the performance elements
5 reported under ~~G.S. 115C-296.13(b)~~ G.S. 115C-269.35."
6
7

8 **PART VI. EFFECTIVE DATE**

9 **SECTION 6.(a)** This act is effective when it becomes law and applies beginning with
10 the 2017-2018 school year.

11 **SECTION 6.(b)** Any rules required by this act shall be adopted by February 1, 2018.

12 **SECTION 6.(c)** The State Board shall accept applications from EPPs for initial
13 approval no later than March 1, 2018, for EPPs applying to accept students in the 2018-2019
14 school year.

15 **SECTION 6.(d)** An EPP approved by the State Board prior to July 1, 2017, shall be
16 considered initially authorized until the earlier of June 30, 2020, or the date of its five-year
17 renewal.

18 **SECTION 6.(e)** All EPPs operating in the State on June 30, 2018, or thereafter shall
19 submit annual performance reports beginning with the 2018-2019 school year. The State Board
20 shall monitor the data quality of the annual performance reports, including checking for statistical
21 anomalies, data availability, and any other issues the State Board deems relevant. The State Board
22 shall report on its monitoring and recommend any legislative changes to the Joint Legislative
23 Education Oversight Committee by December 15, 2020.

24 **SECTION 6.(f)** The State Board shall not assign an accountability status to any EPP
25 during the 2018-2019, 2019-2020, or 2020-2021 school years but may require technical assistance
26 to an EPP at the EPP's expense based on reported performance measures. The State Board shall
27 only assign the accountability statuses of "warned" and "probation" during the 2021-2022 and
28 2022-2023 school years. The State Board may assign the accountability status of "revoked"
29 beginning with the 2023-2024 school year.



**Senate Committee on
Education/Higher Education**

May 24, 2017

Room 544 LB

12:00 PM

Senate Sergeant at Arms:

Tom Burroughs

Terry Edmondson

Frances Patterson



Senate Pages Attending

COMMITTEE: Education ROOM: 544

DATE: 5-24 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

Page Name	Hometown	Sponsoring Senator
1. Korbin Cummings	Charlotte	Waddell
2. Mary Mooney	Morganton	Daniel
3. Lindsay Puett	Morganton	Daniel
4. McCall Holland	Ocean Isle Beach	Rabon
5. Elizabeth Eridgen	Kenly	Horner
6. Alex Balla	Raleigh	McKissick
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





SIGN-UP SHEET

Senate Education/Higher Education

^{May}
~~March~~ 24, 2017 – Room 544 LOB – ~~10:00 AM~~
 NOON

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Christina Hoy	Dignity Teachers
Marge Freeman	NCAE
Sam West	NCICH
Eane Stilwell	TSG
Jonathan Kepler	UNC GA
Catherine Truitt	UNC GA
Betty Foster	UNC Charlotte
Andrew Cagle	UNC G
Michelle Brooks	ECU
Katie Gammon	Gov office
Dale Galt	Leg office
LIKE STANON	Junior Street Consulting
Phaebe Landon	MVC
Amanda Symon	JDA
Rachel Nixon	Smith Anderson
Bruce Mildner	NCSA
Mary Shuping	NCCCS
JoAnne Honeywell	DPI







SIGN-UP SHEET

Senate Education/Higher Education

^{May}
~~March 24, 2017~~ – Room 544 LOB – ~~40:00 AM~~ NOON

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Reyna Walters Mayan	Crowder Consulting
Debra Clark	UNC
LTC Troy Holowicki	NCNG
Katherine Joyce	NCA SA
Richard Postie	NC SBA
Bryan D. Hollaway	Hollaway Group Inc.
Adam Priderma	NCA SA
Maureen Lewis	NC chamber
Matt Ellinwood	NC Justice Center
Robb Jansen	DPI/SBE
Joseph Wadley	Sen Pat Shadow
Ben Popkin	DHHS
S. Astin Cavanaugh	DPI
Samantha Bauer	PPI
Libby Seguin	DPI
Jessica Jenkins	DPI
Rhaegen Jackson	Focus Carolina



**Senate Committee on Education/Higher Education
Wednesday, June 14, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on June 14, 2017 in Room 544 of the Legislative Office Building. 13 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting by recognizing the Senate Pages and Senate Sergeant at Arms.

HB 90 Eliminate NC Final Exam. (Representatives Elmore, K. Hall, Hurley)

Sen. Davis moved to adopt the PCS. Senator Chaudhuri seconded the motion. The PCS was brought before the committee. Sen. Curtis introduced the PCS. Members of the committee were given the opportunity to ask questions. The PCS will be voted on in the next meeting.

HB 135 Technical Changes to Courses of Study Statute. (Representatives Elmore, Johnson, Conrad)

Rep. Elmore explained the bill. Sen. Barefoot offered an amendment. Sen. Davis moved to adopt the amendment. Sen. Chaudhuri seconded the motion. The amendment was adopted. Members of the committee were given the opportunity to ask the bill sponsor questions. Sen. Davis moved to report the bill as favorable to the bills as amended, rolled into a proposed committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill. Sen. Chaudhuri seconded the motion. The motion was approved.

HB 149 Students W/ Dyslexia and Dyscalculia. (Representatives Conrad, Jackson, Elmore, Gill)

Rep. Conrad presented the bill. Members of the committee were given the opportunity to ask questions of the bill sponsor. Sen. Barringer moved for a favorable report to the bill. Sen. Cook seconded the motion. The motion was approved.

HB 482 County Comm. Role in School Bldg Acquisition. (Representative Blackwell)

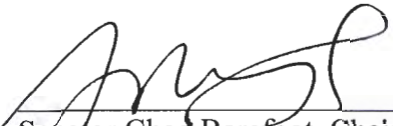
Rep. Blackwell presented the bill. Members of the committee were given the opportunity to ask questions of the bill sponsor. Sen. Cook moved for a favorable report to the bill. Sen. Chaudhuri seconded the motion. The motion was approved.

HB 532 Modify UNC Laboratory Schools. (Representatives Horn, Johnson, Fraley)

Rep. Horn presented the bill. Members of the committee were given the opportunity to ask questions of the bill sponsor. Sen. Cook moved for a favorable report to the bill. Sen. Curtis seconded the motion. The motion was approved.

The meeting adjourned at 12:24 PM.





Senator Chad Barefoot, Chair
Presiding



Eric Naisbitt, Committee Clerk



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, June 14, 2017

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

FAVORABLE

HB 149 (CS#1)	Students W/ Dyslexia and Dyscalculia.
	Draft Number: None
	Sequential Referral: Rules and Operations of the Senate
	Recommended Referral: None
	Long Title Amended: No
HB 482	County Comm. Role in School Bldg Acquisition.
	Draft Number: None
	Sequential Referral: Rules and Operations of the Senate
	Recommended Referral: None
	Long Title Amended: No
HB 532	Modify UNC Laboratory Schools.
	Draft Number: None
	Sequential Referral: Rules and Operations of the Senate
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 3

Senator Tamara Barringer will handle HB 149
Senator Warren Daniel will handle HB 482
Senator Chad Barefoot will handle HB 532



* C M R 5 0 1 - V - 1 *

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, June 14, 2017

Senator Barefoot,

submits the following with recommendations as to passage:

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

HB 135

Technical Changes to Courses of Study Statute.

Draft Number:	H135-PCS40601-TC-45
Sequential Referral:	Rules and Operations of the Senate
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Michael V. Lee will handle HB 135



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**Senate Committee on Education/Higher Education
Wednesday, June 14, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages and Sgt. at Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 90	Eliminate NC Final Exam.	Representative Elmore Representative K. Hall Representative Hurley
HB 135	Technical Changes to Courses of Study Statute.	Representative Elmore Representative Johnson Representative Conrad
HB 149	Students W/ Dyslexia and Dyscalculia.	Representative Conrad Representative Jackson Representative Elmore Representative Gill Representative Blackwell
HB 482	County Comm. Role in School Bldg Acquisition.	
HB 532	Modify UNC Laboratory Schools.	Representative Horn Representative Johnson Representative Fraley

Adjournment



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 90
Committee Substitute Favorable 3/21/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H90-CSTC-44 [v.7]
06/13/2017 6:54:29 PM

Short Title: NC Truth in Education.

(Public)

Sponsors:

Referred to:

February 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE EACH CONSTITUENT INSTITUTION TO COMPILE AND
3 PROVIDE CERTAIN INFORMATION TO STUDENTS WHO APPLY FOR
4 UNDERGRADUATE ADMISSION AT THE CONSTITUENT INSTITUTION THAT MAY
5 BE HELPFUL TO STUDENTS IN SELECTING AN INSTITUTION OF HIGHER
6 EDUCATION TO ATTEND AND IN MAKING CAREER CHOICES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by
9 adding a new section to read:

10 "§ 116-40.15. Duty to provide certain information to students applying for admission or
11 enrolled at a constituent institution regarding the employment rates, student loan
12 repayment and default rates, and other similar information of prior graduating
13 classes.

14 (a) Each constituent institution shall compile the information listed in this subsection and
15 provide that information as required by subsection (b) of this section to students applying as
16 undergraduate students and to enrolled undergraduate students who have formally declared a
17 major at the institution. Each constituent institution shall compile annually all of the following
18 information regarding prior undergraduate graduating classes of the institution as a whole and by
19 major:

20 (1) Default rate and repayment rate of student loans.

21 (2) Four-year and six-year graduation rates.

22 (3) Employment and unemployment rates for students who earn a baccalaureate
23 degree.

24 (4) Median and mean for the following:

25 a. Starting salary for students graduating with a baccalaureate degree.

26 b. Salaries of students five years after graduation with a baccalaureate
27 degree.

28 (5) Graduate school acceptance rates.

29 (6) Average time to earn a baccalaureate degree.

30 (b) The constituent institution shall electronically transmit information as follows:

31 (1) Within five days of receipt of an individual's admission application to the
32 institution as an undergraduate student, the information compiled as provided in
33 subsection (a) of this section regarding prior undergraduate classes of the
34 institution as a whole to the prospective student.



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1 (2) Within five days of an undergraduate student's formal declaration of a major,
2 the information compiled in subsection (a) of this section regarding prior
3 graduates with that major from the institution to the undergraduate student.

4 (c) The University of North Carolina General Administration shall develop a uniform
5 format for providing the information required by this section that shall be used by each constituent
6 institution. The University of North Carolina General Administration shall also ensure that each
7 constituent institution complies with this section.

8 (d) This section does not apply to the constituent institutions that are high schools."

9 **SECTION 2.** This act is effective when it becomes law and applies to students
10 applying as undergraduate students for the 2018 fall academic semester, to students who declare a
11 major for the 2018 fall academic semester, and to students in those categories each subsequent
12 academic semester.



HOUSE BILL 90: NC Truth in Education Act.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 14, 2017
Introduced by:	Reps. Elmore, K. Hall, Hurley	Prepared by:	Kara McCraw
Analysis of:	PCS to Second Edition H90-CSTC-44		Staff Attorney, Cody Davis, Legal Extern

OVERVIEW: *The PCS to House Bill 90 removes the contents of the previous version and instead requires that constituent institutions within The University of North Carolina provide undergraduate students with certain information upon application to the institution or upon declaration of a major at the institution.*

BILL ANALYSIS: Under this bill, constituent institutions of the UNC system would be required to compile and provide the following information to applicants to undergraduate programs at the institution and enrolled students when formally declaring majors:

1. Default rates and repayment rates of student loans.
2. Four-year and six-year graduation rates.
3. Employment and unemployment rates of students who earn a baccalaureate degree.
4. Median and mean of the (i) starting salaries of undergraduates who earn a baccalaureate degree and (ii) the salaries of undergraduates five years after graduating with a baccalaureate degree.
5. Graduate school acceptance rates of undergraduates.
6. Average time for a student to earn a baccalaureate degree.

The information above would be collected for graduating classes of undergraduates as a whole and by major at the constituent institution.

The bill would require that the constituent institution provide the information to students applying for undergraduate admission and to enrolled undergraduates upon formal declaration of a major by electronic transmission within five days of receiving an application or formal declaration of a major.

The bill would require that the University of North Carolina General Administration be responsible for creating a uniform format for the information to be provided by each constituent institution and ensuring that each constituent institution complies with the requirements of the bill.

This bill would not apply to constituent institutions that are high schools.

EFFECTIVE DATE: HB 90 would become effective when it becomes law. Constituent institutions would be required to provide the information set forth in the bill beginning with the Fall 2018 academic semester and continuing every semester thereafter.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

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HOUSE BILL 135

Short Title: Technical Changes to Courses of Study Statute. (Public)

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

Referred to: Health, if favorable, Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 20, 2017

A BILL TO BE ENTITLED
AN ACT TO MAKE ORGANIZATIONAL AND TECHNICAL CHANGES TO THE COURSES
OF STUDY STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81 is repealed.

SECTION 2. G.S. 115C-81.1 is repealed.

SECTION 3. G.S. 115C-81.3 is repealed.

SECTION 4. G.S. 115C-81.4 is repealed.

SECTION 5. Part 1 of Article 8 of Chapter 115C of the General Statutes is amended
by adding new sections to read:

"§ 115C-81.5. Standard course of study.

(a) All children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall adopt a plan of education and a standard course of study as provided in G.S. 115C-12(9c) for the public schools of the State. It is the intent of the General Assembly that the focus of State educational funding shall be to ensure that each student receives a sound basic education. It is further a goal of the General Assembly to provide supplemental funds to low-wealth counties to allow those counties to enhance the instructional program and student achievement. Instruction shall be offered in the areas of arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and career and technical education. In addition, instruction shall be offered in all of the areas provided in this Part.

(b) The standard course of study shall provide all of the following:

(1) A core curriculum for all students that takes into account the special needs of children.

(2) A set of competencies, by grade level, for each curriculum area.

(3) A list of textbooks for use in providing the curriculum.

(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with disabilities and, in particular, include appropriate modifications.

(5) A program of remedial education.

(6) Required support programs.

(7) A definition of the instructional day.



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- (8) Class size recommendations and requirements.
- (9) Prescribed staffing allotment ratios.
- (10) Material and equipment allotment ratios.
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations.
- (12) Any other information the Board considers appropriate and necessary.

"§ 115C-81.10. Career and technical education.

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

"§ 115C-81.15. Conflict resolution and mediation models.

The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models, and curricula that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings. In developing this list, the Board shall emphasize materials, models, and curricula that currently are being used in North Carolina and that the Board determines to be effective. The Board shall include at least one model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.

"§ 115C-81.20. Alcohol and drug use prevention education.

(a) Instruction shall be provided in alcohol and drug use prevention education at every grade level from kindergarten through grade 12.

(b) The State Board of Education shall develop and maintain a recommended list of alcohol and drug use prevention education materials that include components for teacher training and ongoing assessment and evaluation to verify success and ensure the use of up-to-date information and strategies.

(c) The Department of Public Instruction shall do the following:

- (1) Work to strengthen instructional offerings in the content and skill areas in which alcohol and drug use prevention education is addressed.
- (2) Develop curricular materials and resources that meet, extend, and supplement drug and alcohol education as outlined in the standard course of study and the teacher handbook for the competency-based curriculum.
- (3) Recommend to the State Board of Education any drug use prevention education support materials that should be removed from or added to the recommended list of curricular resources developed and maintained by the State Board of Education.

(d) Local boards of education may select supplemental alcohol and drug use prevention education materials from the list maintained by the State Board of Education or develop their own supplemental materials to be approved by the State Board of Education.

(e) Local boards of education shall do the following:

- (1) Implement an approved alcohol and drug use prevention education as a primary part of their comprehensive health education program.

- (2) Provide for ongoing evaluation of drug use prevention education resources, to include participation in ongoing evaluations with the Department of Public Instruction.
- (f) The Department of Public Instruction, in conjunction with local school administrative units, shall provide for professional development to train educators and support personnel to implement a comprehensive alcohol and drug use prevention education program.
- (g) Sequential, age-appropriate instruction shall be provided that includes all of the following:
- (1) Reaches all students in all grades.
 - (2) Presents a clear and consistent message that the use of alcohol and unlawful drugs and the misuse of other drugs are unhealthy and harmful.
 - (3) Reflects current research and theory.
 - (4) Includes all abusable substances.
 - (5) Utilizes information that is current and accurate.
 - (6) Involves students in active "hands-on" learning experiences.
 - (7) Integrates substance abuse education with other health and social issues and other subject and skill areas of the standard course of study.
 - (8) Promotes understanding and respect for the law and values of society.
 - (9) Encourages healthy, safe, and responsible attitudes and behaviors.
 - (10) Includes strategies to involve parents, family members, and the community.
 - (11) Includes information on intervention and treatment services.
 - (12) Is continually open to revision, expansion, and improvement.

"§ 115C-81.25. Health education.

- (a) Comprehensive health education instruction shall be developed and taught to students from kindergarten through ninth grade.
- (b) The State Board of Education shall do all of the following:
- (1) Supervise the development and operation of the statewide comprehensive school health education program, including curriculum development, teacher professional development, promotion of training in teacher preparation programs, learning material review, and assessment and evaluation of local programs in the same manner as for other programs.
 - (2) Adopt objectives for the instruction of the subject areas listed in this section that are appropriate for each grade level.
 - (3) Approve textbooks and other materials incorporating these objectives that local school administrative units may purchase with State funds.
- (c) The State Board of Education, through the Department of Public Instruction, shall, on a regular basis, review materials related to these objectives and distribute these reviews to local school administrative units for their information. This program includes age-appropriate instruction in the following subject areas, regardless of whether this instruction is described as, or incorporated into a description of, "family life education," "family health education," "health education," "family living," "health," "healthful living curriculum," or "self-esteem":
- (1) Mental and emotional health.
 - (2) Drug and alcohol abuse prevention.
 - (3) Nutrition.
 - (4) Dental health.
 - (5) Environmental health.
 - (6) Family living.
 - (7) Consumer health.
 - (8) Disease control.
 - (9) Growth and development.

(10) First aid and emergency care, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich maneuver by using hands-on training with mannequins so that students pass a test approved by the American Heart Association or American Red Cross. For the purposes of this subdivision, schools shall do all of the following:

- a. Use an instructional program developed by the American Heart Association, the American Red Cross, or other nationally recognized programs that is based on the most current national evidence-based emergency cardiovascular care guidelines for CPR.
- b. Maintain documentation in an electronic database that students have successfully completed CPR instruction to meet healthful living essential standards.
- c. Require successful completion of instruction in CPR to be a requirement for high school graduation by the 2014-2015 school year.

(11) Preventing sexually transmitted diseases, including HIV/AIDS, and other communicable diseases. As used in this section, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.

(12) Reproductive health and safety education.

(13) Bicycle safety.

(d) Parental Review. – The State Board of Education shall make available to all local school administrative units for review by the parents and legal guardians of students enrolled at those units any State-developed objectives for instruction, any approved textbooks, the list of reviewed materials, and any other State-developed or approved materials that pertain to or are intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, to the avoidance of out-of-wedlock pregnancy, or to the reproductive health and safety education curriculum. The review period shall extend for at least 60 days before use.

(e) Duty of Local School Administrative Units. – Each local school administrative unit shall provide a comprehensive school health education program that meets all the requirements of this section and all the objectives established by the State Board. Each local board of education may expand on the subject areas to be included in the program and on the instructional objectives to be met.

"§ 115C-81.30. Reproductive health and safety education provided by local school administrative units.

(a) Each local school administrative unit shall provide a reproductive health and safety education program commencing in the seventh grade. Materials used in this instruction shall be age-appropriate for use with students. Law enforcement agencies, criminal justice agencies, and nongovernmental organizations with experience in sex-trafficking prevention and awareness may provide materials and information. Information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in any of the following fields: sexual health education, adolescent psychology, behavioral counseling, medicine, human anatomy, biology, ethics, or health education. Reproductive health and safety instruction provided by the local school administrative units shall do the following:

- (1) Teach that abstinence from sexual activity outside of marriage is the expected standard for all school-age children.
- (2) Present techniques and strategies to deal with peer pressure and offering positive reinforcement.
- (3) Present reasons, skills, and strategies for remaining or becoming abstinent from sexual activity.

- (4) Teach that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases when transmitted through sexual contact, including HIV/AIDS, and other associated health and emotional problems. As used in this section, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.
- (5) Teach that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including HIV/AIDS.
- (6) Teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity.
- (7) Provide opportunities that allow for interaction between the parent or legal guardian and the student.
- (8) Provide factually accurate biological or pathological information that is related to the human reproductive system.
- (9) Teach about the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illegal drugs, and inadequate prenatal care.
- (10) Teach about sexually transmitted diseases. Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases. Instruction shall include the rates of infection among pre-teen and teens of each known sexually transmitted disease and the effects of contracting each sexually transmitted disease. In particular, the instruction shall include information about the effects of contracting the Human Papilloma Virus, including sterility and cervical cancer.
- (11) Teach about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy.
- (12) Teach awareness of sexual assault, sexual abuse, and risk reduction. The instruction and materials shall:

 - a. Focus on healthy relationships.
 - b. Teach students what constitutes sexual assault and sexual abuse, the causes of those behaviors, and risk reduction.
 - c. Inform students about resources and reporting procedures if they experience sexual assault or sexual abuse.
 - d. Examine common misconceptions and stereotypes about sexual assault and sexual abuse.
- (13) Teach about sex trafficking prevention and awareness. Each local school administrative unit shall:

 - a. Collaborate with a diverse group of outside consultants where practical, including law enforcement with expertise in sex-trafficking prevention education, to address the threats of sex trafficking.
 - b. Collaborate with a diverse group of outside consultants, including law enforcement with expertise in sex trafficking, on a referral protocol for high-risk pupils and minors.
- (b) Each local board of education shall adopt a policy and provide a mechanism to allow a parent or a legal guardian to withdraw his or her child from instruction required under subdivisions (10) through (13) of subsection (a) of this section.
- (c) Parental Review and Consent. – Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote

1 discussion or understanding in regard to the prevention of sexually transmitted diseases, including
2 HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy or (ii) a reproductive health and
3 safety education program, whether developed by the State or by the local board of education, the
4 parents and legal guardians of those students shall be given an opportunity to review the objectives
5 and materials as provided in G.S. 115C-81.25(d). Local boards of education shall adopt policies to
6 provide opportunities either for parents and legal guardians to consent or for parents and legal
7 guardians to withhold their consent to the students' participation in any or all of these programs.

8 (d) Information on Contraceptives and Abortion Referral Services. – Students may receive
9 information about where to obtain contraceptives and abortion referral services only in accordance
10 with a local board's policy regarding parental consent. Any instruction concerning the use of
11 contraceptives or prophylactics shall provide accurate statistical information on their effectiveness
12 and failure rates for preventing pregnancy and sexually transmitted diseases, including HIV/AIDS,
13 in actual use among adolescent populations and shall explain clearly the difference between risk
14 reduction and risk elimination through abstinence. The Department of Health and Human Services
15 shall provide the most current available information at the beginning of each school year.

16 (e) Prohibition on Distribution of Contraceptives. – Contraceptives, including condoms
17 and other devices, shall not be made available or distributed on school property.

18 (f) School Health Coordinators. – School health coordinators may be employed to assist in
19 the instruction of any portion of the comprehensive school health education program. Where
20 feasible, a school health coordinator should serve more than one local school administrative unit.
21 Each person initially employed as a State-funded school health coordinator after June 30, 1987,
22 shall have a degree in health education.

23 (g) Duty of Local School Administrative Units. – Each local school administrative unit
24 shall provide a comprehensive school health education program that meets all the requirements of
25 this section and all the objectives established by the State Board. Each local board of education
26 may expand on the subject areas to be included in the program and on the instructional objectives
27 to be met.

28 **"§ 115C-81.35. Honors-level courses in healthful living education.**

29 The State Board of Education shall develop or identify academically rigorous honors-level
30 courses in healthful living education that can be offered at the high school level. These
31 honors-level courses shall be more rigorous than standard-level courses, include advanced content,
32 provide multiple opportunities for students to take greater responsibility for their learning, and
33 require higher quality work from the students than standard courses.

34 **"§ 115C-81.40. North Carolina history and geography.**

35 The standard course of study shall include the requirement that the public schools provide to
36 all students one yearlong course of instruction on North Carolina history and geography in
37 elementary school and one yearlong course of instruction in middle school on North Carolina
38 history with United States history integrated into this instruction. The course of instruction shall
39 include contributions to the history and geography of the State and the nation by the racial and
40 ethnic groups that have contributed to the development and diversity of the State and nation. Each
41 course of instruction may include up to two weeks of instruction relating to the local area in which
42 the students reside.

43 **"§ 115C-81.45. Classes conducted in English; citizenship; and civic literacy.**

44 (a) Except when a board authorizes teaching in a foreign language in order to comply with
45 federal law, local boards of education shall require all teachers and principals to conduct classes
46 except foreign language classes in English. Any teacher or principal who refuses to do so may be
47 dismissed.

48 (b) Local boards of education shall provide for the efficient teaching at appropriate grade
49 levels of all materials set forth in the standard course of study, including integrated instruction in
50 the areas of citizenship in the United States of America, government of the State of North

1 Carolina, government of the United States, fire prevention, the free enterprise system, and the
2 dangers of harmful or illegal drugs, including alcohol.

3 (c) Democratic Process and Citizenship Education. –

4 (1) The State Board of Education shall include instruction in civic and citizenship
5 education in the standard course of study for high school social studies. The
6 State Board of Education is strongly encouraged to include, at a minimum, the
7 following components in the high school civic and citizenship education
8 standard course of study:

9 a. That students write to a local, State, or federal elected official about an
10 issue that is important to them.

11 b. Instruction on the importance of voting and otherwise participating in
12 the democratic process, including instruction on voter registration.

13 c. Information about current events and governmental structure.

14 d. Information about the democratic process and how laws are made.

15 (2) The State Board of Education shall include instruction in civic and citizenship
16 education in the standard course of study for middle school social studies. The
17 State Board of Education is strongly encouraged to include, at a minimum, the
18 following components in the middle school civic and citizenship education
19 standard course of study:

20 a. A tour of representative local government facilities, such as the local
21 jail, the courthouse, or a town hall, to help students understand the way
22 their community is governed.

23 b. Allowing students to choose and analyze a community problem and
24 offer public policy recommendations on the problem to local officials.

25 c. Information about getting involved in community groups.

26 (d) Civic Literacy. –

27 (1) The State Board of Education shall require during the high school years the
28 teaching of a semester course on the Founding Principles of the United States of
29 America and the State of North Carolina. A passing grade in the course shall be
30 required for graduation from high school, and the course shall include at least
31 the following subjects:

32 a. The Creator-endowed inalienable rights of the people.

33 b. Structure of government, separation of powers with checks and
34 balances.

35 c. Frequent and free elections in a representative government.

36 d. Rule of law.

37 e. Equal justice under the law.

38 f. Private property rights.

39 g. Federalism.

40 h. Due process.

41 i. Individual rights as set forth in the Bill of Rights.

42 j. Individual responsibility.

43 k. Constitutional limitations on government power to tax and spend, and
44 prompt payment of public debt.

45 l. Strong defense and supremacy of civil authority over military.

46 m. Peace, commerce, and honest friendship with all nations, entangling
47 alliances with none.

48 (2) The State Board of Education shall require that any high school level
49 curriculum-based tests for the course required in subdivision (1) of this
50 subsection developed and administered statewide beginning with the 2016-2017
51 academic year include questions related to the philosophical foundations of our

form of government and the principles underlying the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

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

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

"§ 115C-81.50. Student councils.

All high schools and middle schools shall be encouraged to have elected student councils through which students have input into policies and decisions that affect them. All other schools are encouraged to have student councils.

The purpose of these student councils is to build civic skills and attitudes such as participation in elections, discussion and debate of issues, and collaborative decision making. Schools shall encourage active, broad-based participation in these student councils.

"§ 115C-81.55. Current events.

Schools should encourage discussions of current events in a wide range of classes, especially social studies and language arts classes. All high schools and middle schools are encouraged to have at least two classes per grade level to offer interactive current events discussions at least every four weeks.

"§ 115C-81.60. Character education.

(a) Each local board of education shall develop and implement character education instruction with input from the local community. The instruction shall be incorporated into the standard curriculum and should address the following traits:

(1) Courage. – Having the determination to do the right thing even when others don't and the strength to follow your conscience rather than the crowd; and attempting difficult things that are worthwhile.

(2) Good judgment. – Choosing worthy goals and setting proper priorities; thinking through the consequences of your actions; and basing decisions on practical wisdom and good sense.

(3) Integrity. – Having the inner strength to be truthful, trustworthy, and honest in all things; acting justly and honorably.

(4) Kindness. – Being considerate, courteous, helpful, and understanding of others; showing care, compassion, friendship, and generosity; and treating others as you would like to be treated.

(5) Perseverance. – Being persistent in the pursuit of worthy objectives in spite of difficulty, opposition, or discouragement; and exhibiting patience and having the fortitude to try again when confronted with delays, mistakes, or failures.

(6) Respect. – Showing high regard for authority, for other people, for self, for property, and for country; and understanding that all people have value as human beings.

(7) Responsibility. – Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions; and being committed to active involvement in your community.

(8) Self-discipline. – Demonstrating hard work and commitment to purpose; regulating yourself for improvement and restraining from inappropriate

behaviors; being in proper control of your words, actions, impulses, and desires; choosing abstinence from premarital sex, drugs, alcohol, and other harmful substances and behaviors; and doing your best in all situations.

(b) In addition to the instruction under subsection (a) of this section, local boards of education are encouraged to include instruction on the following responsibilities:

- (1) Respect for school personnel. – In the school environment, respect includes holding teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference.
- (2) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivating an orderly learning environment in which students and school personnel feel safe and secure; and encouraging the resolution of conflicts and disagreements through peaceful means, including peer mediation. Instruction in this responsibility should include a consistent and age-appropriate antiviolence message and a conflict resolution component for students in kindergarten through grade 12. These messages should include media-awareness, education to help children recognize stereotypes and messages portraying violence.
- (3) Service to others. – Engaging in meaningful service to their schools and their communities. Schools may teach service-learning by (i) incorporating it into their standard curriculum or (ii) involving a classroom of students or some other group of students in one or more hands-on community service projects. All schools are encouraged to provide opportunities for student involvement in community service or service-learning projects.
- (4) Good citizenship. – Obeying the laws of the nation and this State; abiding by school rules; and understanding the rights and responsibilities of a member of a republic.

"§ 115C-81.65. Financial literacy.

(a) Instruction shall be provided in personal financial literacy for all students. In addition to the requirements in subsection (b) of this section, the State Board of Education shall determine the other components of personal financial literacy that will be covered in the curriculum. The State Board shall also review the high school standard course of study to determine into which courses and grade levels personal financial literacy shall be integrated.

(b) Each student shall receive personal financial literacy instruction that shall include:

- (1) The true cost of credit.
- (2) Choosing and managing a credit card.
- (3) Borrowing money for an automobile or other large purchase.
- (4) Home mortgages.
- (5) Credit scoring and credit reports.
- (6) Other relevant financial literacy issues.

"§ 115C-81.70. Disability history and awareness.

(a) Each local board of education shall provide instruction on disability, people with disabilities, and the disability rights movement in conjunction with Disability History and Awareness Month, established pursuant to G.S. 103-11.

(b) This instruction shall be incorporated through measures that include any of the following:

- (1) Supplementing existing lesson plans.
- (2) Holding school assemblies.
- (3) Hosting disability-focused film festivals.
- (4) Organizing other school activities.

1 Local boards of education are encouraged to incorporate individuals with disabilities or
2 knowledgeable guest speakers from the disability community into the delivery of this instruction.

3 **"§ 115C-81.75. Cursive writing.**

4 The standard course of study shall include the requirement that the public schools provide
5 instruction in cursive writing so that students create readable documents through legible cursive
6 handwriting by the end of fifth grade.

7 **"§ 115C-81.80. Multiplication tables.**

8 The standard course of study shall include the requirement that students enrolled in public
9 schools memorize multiplication tables to demonstrate competency in efficiently multiplying
10 numbers.

11 **"§ 115C-81.85. Instruction in American Sign Language.**

12 (a) The State Board of Education shall encourage schools to offer American Sign
13 Language classes in high schools as a modern foreign language.

14 (b) The State Board of Education shall adopt and implement standards for the certification
15 of teachers of American Sign Language and shall set standards for teacher preparation programs
16 that prepare students for certification as American Sign Language teachers."

17 **SECTION 6.** G.S. 115C-47 is amended by adding a new subdivision to read:

18 **"(1a) To Establish and Maintain Kindergartens. –**

19 a. Local boards of education shall provide for their respective local school
20 administrative unit kindergartens as a part of the public school system
21 for all children living in the local school administrative unit who are
22 eligible for admission pursuant to sub-subdivision c. of this subdivision
23 provided that funds are available from State, local, federal, or other
24 sources to operate a kindergarten program as provided in this
25 subdivision.

26 b. All kindergarten programs so established shall be subject to the
27 supervision of the Department of Public Instruction and shall be
28 operated in accordance with the standards adopted by the State Board of
29 Education, upon recommendation of the Superintendent of Public
30 Instruction. Among the standards to be adopted by the State Board of
31 Education shall be a provision that the Board will allocate funds for the
32 purpose of operating and administering kindergartens to each school
33 administrative unit in the State based on the average daily membership
34 for the best continuous three out of the first four school months of pupils
35 in the kindergarten program during the last school year in that respective
36 school administrative unit. Such allocations are to be made from funds
37 appropriated to the State Board of Education for the kindergarten
38 program.

39 c. Any child who meets the requirements of G.S. 115C-364 shall be
40 eligible for enrollment in kindergarten. Any child who is enrolled in
41 kindergarten and not withdrawn by the child's parent or legal guardian
42 shall attend kindergarten.

43 d. Notwithstanding any other provision of law to the contrary, subject to
44 the approval of the State Board of Education, any local board of
45 education may elect not to establish and maintain a kindergarten
46 program. Any funds allocated to a local board of education which does
47 not operate a kindergarten program may be reallocated by the State
48 Board of Education, within the discretion of the Board, to a county or
49 city board of education which will operate such a program."

50 **SECTION 7.** G.S. 115C-47 is amended by adding a new subdivision to read:

- 1 "(29c) To Allow and Encourage the Reading and Posting of Documents on the History
2 of the United States and With Historical Significance for the United States. –
- 3 a. Local boards of education shall allow and may encourage any public
4 school teacher or administrator to read or post in a public school
5 building, classroom, or event excerpts or portions of writings,
6 documents, and records that reflect the history of the United States,
7 including, but not limited to:
- 8 1. The preamble to the North Carolina Constitution.
9 2. The Declaration of Independence.
10 3. The United States Constitution.
11 4. The Mayflower Compact.
12 5. The national motto.
13 6. The National Anthem.
14 7. The Pledge of Allegiance.
15 8. The writings, speeches, documents, and proclamations of the
16 founding fathers and Presidents of the United States.
17 9. Decisions of the Supreme Court of the United States.
18 10. Acts of the Congress of the United States, including the
19 published text of the Congressional Record.
- 20 b. Local boards, superintendents, principals, and supervisors shall not
21 allow content-based censorship of American history in the public
22 schools of this State, including religious references in these writings,
23 documents, and records. Local boards and professional school personnel
24 may develop curricula and use materials that are limited to specified
25 topics, provided the curricula and materials are aligned with the
26 standard course of study or are grade level appropriate.
- 27 c. A local school administrative unit may display on real property
28 controlled by that local school administrative unit documents and
29 objects of historical significance that have formed and influenced the
30 United States legal or governmental system and that exemplify the
31 development of the rule of law, such as the Magna Carta, the
32 Mecklenburg Declaration, the Ten Commandments, the Justinian Code,
33 and documents set out in sub-subdivision a. of this subdivision. Such
34 displays are subject to the following requirements:
- 35 1. The display may include, but shall not be limited to, documents
36 that contain words associated with a religion; provided,
37 however, no display shall seek to establish or promote religion
38 or to persuade any person to embrace a particular religion,
39 denomination of a religion, or other philosophy.
- 40 2. The display of a document containing words associated with a
41 religion shall be in the same manner and appearance generally as
42 other documents and objects displayed and shall not be
43 presented or displayed in any fashion that results in calling
44 attention to it apart from the other displayed documents and
45 objects. The display also shall be accompanied by a prominent
46 sign quoting the First Amendment of the United States
47 Constitution as follows: "Congress shall make no law respecting
48 an establishment of religion, or prohibiting the free exercise
49 thereof; or abridging the freedom of speech, or of the press; or
50 the right of the people peaceably to assemble, and to petition the
51 government for a redress of grievances.""

1 **SECTION 8.** G.S. 115C-47 is amended by adding a new subdivision to read:

2 "(49a) To Address Science Safety Requirements. –

3 a. Each local board of education shall certify annually to the State Board
4 of Education that its high school and middle school science laboratories
5 are equipped with appropriate personal protective equipment for
6 students and teachers.

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

10 **SECTION 9.** G.S. 115C-12(9c) reads as rewritten:

11 "(9c) Power to Develop Content Standards and Exit Standards. –

12 a. The Board shall develop a comprehensive plan to revise content
13 standards and the standard course of study in the core academic areas of
14 reading, writing, mathematics, science, history, geography, and civics.
15 The Board shall involve and survey a representative sample of parents,
16 teachers, and the public to help determine academic content standard
17 priorities and usefulness of the content standards. A full review of
18 available and relevant academic content standards that are rigorous,
19 specific, sequenced, clear, focused, and measurable, whenever possible,
20 shall be a part of the process of the development of content standards.
21 The revised content standards developed in the core academic areas
22 shall (i) reflect high expectations for students and an in-depth mastery of
23 the content; (ii) be clearly grounded in the content of each academic
24 area; (iii) be defined grade-by-grade and course-by-course; (iv) be
25 understandable to parents and teachers; (v) be developed in full
26 recognition of the time available to teach the core academic areas at
27 each grade level; and (vi) be measurable, whenever possible, in a
28 reliable, valid, and efficient manner for accountability purposes.

29 b. High school course content standards shall include the knowledge and
30 skills necessary to pursue further postsecondary education or to attain
31 employment in the 21st century economy. The high school course
32 content standards also shall be aligned with the minimum undergraduate
33 course requirements for admission to the constituent institutions of The
34 University of North Carolina. ~~The Board may develop exit standards~~
35 ~~that will be required for high school graduation.~~

36 c. The Board also shall develop and implement an ongoing process to
37 align State programs and support materials with the revised academic
38 content standards for each core academic area on a regular basis.
39 Alignment shall include revising textbook criteria, support materials,
40 State tests, teacher and school administrator preparation, and ongoing
41 professional development programs to be compatible with content
42 standards. The Board shall develop and make available to teachers and
43 parents support materials, including teacher and parent guides, for
44 academic content standards. The State Board of Education shall work in
45 collaboration with the Board of Governors of The University of North
46 Carolina to ensure that teacher and school administrator degree
47 programs, ongoing professional development, and other university
48 activity in the State's public schools align with the State Board's
49 priorities."

50 **SECTION 10.** G.S. 115C-12 is amended by adding a new subdivision to read:

51 "(9d) Power to Develop Exit Standards and Graduation Requirements. –

- 1 a. The Board may develop exit standards that shall be required for high
2 school graduation. The Board shall require the following for high school
3 graduation:
4 1. Successful completion of instruction in cardiopulmonary
5 resuscitation as provided in G.S. 115C-81.25(c)(10).
6 2. A passing grade in the semester course on the Founding
7 Principles of the United States of America and the State of North
8 Carolina described in G.S. 115C-81.45(d)(1).
9 b. The following restrictions apply to the Board regarding Algebra I and
10 high school graduation projects:
11 1. The Board shall not adopt or enforce any rule that requires
12 Algebra I as a graduation standard or as a requirement for a high
13 school diploma for any student whose individualized education
14 program (i) identifies the student as learning disabled in the area
15 of mathematics and (ii) states that this learning disability will
16 prevent the student from mastering Algebra I.
17 2. The Board shall not require any student to prepare a high school
18 graduation project as a condition of graduation from high school;
19 local boards of education may, however, require their students to
20 complete a high school graduation project."

21 **SECTION 11.** G.S. 115C-12(9)c. is repealed.

22 **SECTION 12.** G.S. 115C-47(12) is repealed.

23 **SECTION 13.** G.S. 115C-105.32 reads as rewritten:

24 **"§ 115C-105.32. Parent involvement programs and conflict resolution programs as part of**
25 **school improvement plans.**

26 A school is encouraged to include a comprehensive parent involvement program as part of its
27 school improvement plan under G.S. 115C-105.27. The State Board of Education shall develop a
28 list of recommended strategies that it determines to be effective, which building level committees
29 may use to establish parent involvement programs designed to meet the specific needs of their
30 schools. The Board shall make the list available to local school administrative units and school
31 buildings by the beginning of the 1994-95 school year.

32 A school is encouraged to review its need for a comprehensive conflict resolution program as
33 part of the development of its school improvement plan under G.S. 115C-105.27. If a school
34 determines that this program is needed, it may select from the list developed by the State Board of
35 Education under ~~G.S. 115C-81(a4)~~ G.S. 115C-81.15 or may develop its own materials and
36 curricula to be approved by the local board of education."

37 **SECTION 14.** G.S. 115C-174.11(a) reads as rewritten:

38 "(a) Assessment Instruments for Kindergarten, First, Second, and Third Grades. – The State
39 Board of Education shall develop, adopt, and provide to the local school administrative units
40 developmentally appropriate individualized assessment instruments ~~consistent with the Basic~~
41 ~~Education Program aligned with the standard course of study~~ and Part 1A of Article 8 of this
42 Chapter for the kindergarten, first, second, and third grades. Local school administrative units
43 shall use these assessment instruments provided to them by the State Board for kindergarten, first,
44 second, and third grade students to assess progress, diagnose difficulties, and inform instruction
45 and remediation needs. Local school administrative units shall not use standardized tests for
46 summative assessment of kindergarten, first, and second grade students except as required as a
47 condition of receiving federal grants."

48 **SECTION 15.** G.S. 115C-174.11(c)(4) reads as rewritten:

49 "(4) To the extent funds are made available, the State Board of Education shall plan
50 for and require the administration of the ACT test for all students in the
51 eleventh grade unless the student has already taken a comparable test and

1 scored at or above a level set by the State Board. The State Board of Education
2 shall require the administration of an alternate to the ACT or an alternate to the
3 PLAN precursor test to the ACT to a student who (i) exhibits severe and
4 pervasive delays in all areas of conceptual, linguistic, and academic
5 development and in adaptive behaviors, including communication, daily living
6 skills, and self-care, (ii) is following the extended content standards of the
7 Standard Course of Study as provided in ~~G.S. 115C-81~~, G.S. 115C-81.5, or is
8 following a course of study that, upon completing high school, may not lead to
9 admission into a college-level course of study resulting in a college degree, and
10 (iii) has a written parental request for an alternate assessment.

11 The State Board of Education shall ensure that parents of students enrolled
12 in all public schools, including charter and regional schools, have the necessary
13 information to make informed decisions regarding participation in the ACT and
14 the PLAN precursor test to the ACT.

15 Alternate assessment and ACT assessment results of students with
16 disabilities shall be included in school accountability reports, including charter
17 and regional schools, provided by the State Board of Education."

18 . **SECTION 16.** G.S. 120-70.81(a)(2) is repealed.

19 **SECTION 17.** This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 135

H135-ATC-67 [v.1]

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

Page 1 of 1

Amends Title [NO]
First Edition

Date _____, 2017

Senator

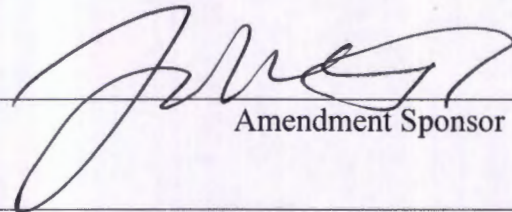
Barefoot

1 moves to amend the bill on page 2, lines 29-30, by rewriting those lines to read:

2

3 "(a) Instruction shall be provided in alcohol and drug use prevention education from
4 kindergarten through high school."

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

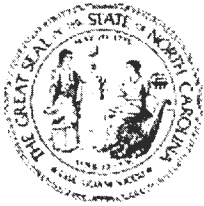
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HOUSE BILL 135: Technical Changes to Courses of Study Statute.

2017-2018 General Assembly

Committee: Senate Education/Higher Education
Introduced by: Reps. Elmore, Johnson, Conrad
Analysis of: First Edition

Date: June 14, 2017
Prepared by: Kara McCraw
Staff Attorney

OVERVIEW: *House Bill 135 would repeal G.S. 115C-81, G.S. 115C-81.1, G.S. 115C-81.3, and G.S. 115C-81.4, remove outdated references to the Basic Education Program, and recodify the contents of the repealed statutes into individual statutes based on subject matter.*

CURRENT LAW: G.S. 115C-81 (Basic Education Program) was enacted in S.L. 1985-479 (the 1985 Budget) as part of a program to "define a common core of knowledge and skills that each student should master prior to graduation from high school." The statute requires the State Board to adopt a "Basic Education Program" for the public schools of the State which describes the education program to be offered to every child in the public schools. In addition to the general requirements for the standard course of study, the statute contains additional provisions related to topics such as alcohol and drug education, school health, civics literacy, and character education.

G.S. 115C-81.1 (Basic Education Program Funds not to supplant Local funds for schools) requires local school administrative units to not supplant additional state funds provided for vocational and technical education programs and clerical personnel positions previously funded in whole or in part with non-state funds.

G.S.115C-81.3 (Instruction in American Sign Language) encourages schools to offer American Sign Language (ASL) classes in high schools as a modern foreign language, and requires certification standards for ASL teachers.

G.S.115C-81.4 requires each local board of education to certify that its high school and middle school science laboratories are equipped with appropriate personal protective equipment for students and teachers and ensure that high schools and middle schools comply with all State Board of Education policies related to science laboratory safety.

BILL ANALYSIS: House Bill 135 repeals G.S. 115C-81, G.S. 115C-81.1, G.S. 115C-81.3, and G.S. 115C-81.4 and recodifies the provisions of those statutes into individual statutes based on subject matter. The majority of the statutes are recodified in G.S.115C-81.5 through G.S. 115C-81.85. The recodification separates topics previously organized as subsections in G.S. 115C-81. The bill would also remove references to the Basic Education Plan and replaces that term with the term "standard course of study," and makes conforming changes to other statutes.

EFFECTIVE DATE: HB 135 would become effective when it becomes law.

**This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 149
Committee Substitute Favorable 4/11/17

Short Title: Students W/ Dyslexia and Dyscalculia.

(Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION AND LOCAL BOARDS
3 OF EDUCATION TO DEVELOP TOOLS TO ENSURE IDENTIFICATION OF
4 STUDENTS WITH DYSLLEXIA AND DYSCALCULIA.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** It is the intent of the General Assembly that all students with specific
7 learning disabilities, including dyslexia and dyscalculia, receive the necessary and appropriate
8 screenings, assessments, and special education services to provide interventions for learning
9 difficulties with language, reading, writing, and mathematics.

10 **SECTION 2.** To provide a definition to enable for the identification of and
11 intervention for students with dyslexia and students with dyscalculia, the State Board of
12 Education shall, as part of its policies for specific learning disabilities, define dyslexia as
13 follows: "Dyslexia is a specific learning disability that is neurobiological in origin. It is
14 characterized by difficulties with accurate and/or fluent word recognition and by poor spelling
15 and decoding abilities. These difficulties typically result from a deficit in the phonological
16 component of language that is often unexpected in relation to other cognitive abilities and the
17 provision of effective classroom instruction. Secondary consequences may include problems in
18 reading comprehension and reduced reading experience that can impede growth of vocabulary
19 and background knowledge." The State Board of Education shall include the definition of
20 dyslexia, as required by this section, in the policies for specific learning disabilities no later
21 than June 30, 2017.

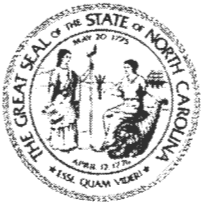
22 **SECTION 3.** Prior to the start of the 2017-2018 school year, the State Board of
23 Education shall ensure that ongoing professional development opportunities are made available
24 to teachers and other school personnel on the identification of and intervention strategies for
25 students with dyslexia, dyscalculia, or other specific learning disabilities. Prior to the start of
26 the 2017-2018 school year, the State Board of Education shall also develop and make available
27 information electronically to parents, educators, and other concerned groups that provides
28 further data concerning characteristics of children with dyslexia, educational methodologies,
29 screenings, and what is available to support the work with children with dyslexia in North
30 Carolina.

31 **SECTION 4.** Prior to the start of the 2017-2018 school year, local boards of
32 education shall review the diagnostic tools and screening instruments used for dyslexia,
33 dyscalculia, or other specific learning disabilities to ensure that they are age-appropriate and
34 effective and shall determine if additional diagnostic and screening tools are needed.

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







HOUSE BILL 149: Students W/ Dyslexia and Dyscalculia.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 14, 2017
Introduced by:	Reps. Conrad, Jackson, Elmore, Gill	Prepared by:	Drupti Chauhan*
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *HB 149 would require the State Board of Education (SBE) to: (1) define dyslexia as a part of its policies for specific learning disabilities; (2) ensure ongoing professional development opportunities for school personnel on the identification of and intervention for specific learning disabilities; and (3) provide information for parents and others on support for children with dyslexia.*

The bill would also require local boards of education to review diagnostic tools and screening instruments for specific learning disabilities and determine if additional diagnostic and screening tools are needed.

CURRENT LAW: Both State (G.S. 115C-106.3) and federal law (20 U.S.C. § 1401) include "specific learning disabilities" as a type of disability that may qualify a child under the federal Individuals with Disabilities Education Act to receive a free appropriate public education.

State statute does not define "specific learning disabilities", but federal law defines a specific learning disability, in general, as a disorder in one "or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations," and includes dyslexia as a type of specific learning disability. 20 U.S.C. § 1401(30).

In July of 2016, the SBE adopted an addendum to the NC Policies Governing Services for Children with Disabilities which tracks the federal definition of specific learning disability. NC 1500-2.4(b)(11) defines specific learning disability as "a disability in one or more of the basic processes involved in understanding or in using language, spoken or written, that may manifest itself in the impaired ability to listen, think, speak, read, write, spell, or to do mathematical calculations." The definition also states that "[t]he disability substantially limits academic achievement so that the child does not learn at an adequate rate when provided sustained, high quality instruction and scientific research-based intervention. Alternate terms may include, but are not limited to, dyslexia and dyscalculia."

BILL ANALYSIS: House Bill 149 would do the following:

- Establish the General Assembly's intent that all students with specific learning disabilities, including dyslexia and dyscalculia, receive necessary and appropriate screenings, assessments, and special education services.
- Require by June 30, 2017, that the State Board of Education define dyslexia as part of its policies for specific learning disabilities.

Karen Cochrane-Brown
Director



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House Bill 149

Page 2

- Require, prior to the start of the 2017-2018 school year, the SBE to ensure that ongoing professional development opportunities be made available to teachers and other school personnel on the identification of and intervention strategies for students with dyslexia, dyscalculia, or other specific learning disabilities.
- Require, prior to the start of the 2017-2018 school year, the SBE to develop and make available information electronically to parents, educators and other concerned groups on data concerning characteristics of children with dyslexia, educational methodologies, screenings and what is available to support the work with children with dyslexia in the State.
- Require, prior to the start of the 2017-2018 school year, local boards of education to review the diagnostic tools and screening instruments used for dyslexia, dyscalculia, or other specific learning disabilities to ensure that they are age-appropriate and effective, and determine if additional diagnostic and screening tools are needed.

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

**Kara McCraw, Counsel to Senate Education/Higher Education, significantly contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 482

Short Title: County Comm. Role in School Bldg Acquisition. (Public)

Sponsors: Representative Blackwell.

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

Referred to: State and Local Government II

March 28, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ROLE OF THE COUNTY COMMISSIONERS IN SCHOOL
BUILDING ACQUISITION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-517 reads as rewritten:

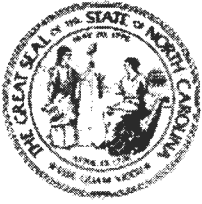
"§ 115C-517. Acquisition of sites.

Local boards of education may acquire suitable sites for schoolhouses or other school facilities either within or without the local school administrative ~~unit, but no unit, subject to the approval of the board of county commissioners as to the amount to be spent for the site, as provided in G.S. 115C-426(f).~~ No school may be operated by a local school administrative unit outside its own boundaries, although other school facilities such as repair shops, may be operated outside the boundaries of the local school administrative unit. Whenever any such board is unable to acquire or enlarge a suitable site or right-of-way for a school, school building, school bus garage or for a parking area or access road suitable for school buses or for other school facilities by gift or purchase, condemnation proceedings to acquire same may be instituted by such board under the provisions of Chapter 40A of the General Statutes, and the determination of the local board of education of the land necessary for such purposes shall be conclusive."

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







HOUSE BILL 482: County Comm. Role in School Bldg Acquisition.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	June 14, 2017
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Rep. Blackwell	Prepared by:	Kara McCraw
Analysis of:	First Edition		Staff Attorney, Matt Meinel, Legal Extern

OVERVIEW: *HB 482 provides a statutory cross-reference in the statute authorizing acquisition of school sites by the local board of education to the requirement for approval by the board of county commissioners of the amount that may be expended for such sites in the school budgeting statute.*

CURRENT LAW: Local boards of education receive funding for capital from boards of county commissioners. G.S. 115C-426, the uniform budget format for local boards of education, requires as part of the capital outlay fund that the acquisition of a building site is subject to prior approval of the board of county commissioners as to the amount to be spent for that site.

G.S. 115C-517 authorizes local boards of education to acquire suitable sites for school buildings and when necessary to use condemnation proceedings to acquire suitable sites.

BILL ANALYSIS: HB 482 adds a reference to the current requirement in G.S. 115C-426 for approval of the amount for a school site by the board of county commissioners to G.S. 115C-517, the statute authorizing acquisition of property by local boards of education.

EFFECTIVE DATE: HB 482 would become effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
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~~



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 Lab~~Laboratory 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 unit that meets the minimum threshold for the number of low-performing schools
44 located in the unit 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 lablaboratory schools throughout the State and a maximum of one lablaboratory school located
51 in a qualifying local school administrative unit.~~The Board of Governors shall update the plan~~

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

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

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

23 (b) Resolution by the Subcommittee to Create Approve a Lab Laboratory School. – The
24 board of trustees of a constituent institution Subcommittee shall adopt a resolution stating its
25 intent to create a lab upon the approval of each laboratory school, which shall include the
26 following:

- 27 (1) Name of the lab laboratory school.
28 (2) The local school administrative unit in which the lab laboratory school shall
29 be located. The local school administrative unit in which the lab school is
30 located shall meet the requirement under G.S. 116-239.6(4) that twenty-five
31 percent (25%) or more of the schools located in the unit are identified as
32 low-performing under G.S. 115C-105.37 at the time the resolution is
33 adopted. However, the board of trustees shall continue to operate the lab
34 school within the local school administrative unit for at least five years as
35 provided under subdivision (3) of this subsection regardless of whether the
36 local school administrative unit continues to qualify under
37 G.S. 116-239.6(4).
38 (3) A term of operation for the lab laboratory school of five years from the date
39 of initial operation. At the end of five years of operation, if the lab laboratory
40 school is still located in a local school administrative unit that has
41 twenty-five percent (25%) or more of the schools located in the unit
42 identified as low-performing under G.S. 115C-105.37, or if the
43 Subcommittee renews a waiver of this requirement under subsection (a2) of
44 this section, the resolution may be renewed by the constituent
45 institution Subcommittee at the end of the term for an additional five years. If
46 the lab laboratory school is no longer (i) located in a qualifying local school
47 administrative unit or (ii) meeting the purposes of this Article under a waiver
48 at the end of five years, the board of trustees Subcommittee shall notify the
49 Board of Governors of the end of the term of operation and to request
50 consultation on determining the location of creating a new lab school in
51 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 LabLaboratory School. – Each board of trustees that adopts a~~
4 ~~resolution as provided in this section~~The Subcommittee shall file a copy of theeach 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 lablaboratory school.

9 (d) ~~Dissolution or Assumption of a LabLaboratory School. – In the event of the~~
10 ~~potential dissolution of a lablaboratory 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 adoptpropose 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 lablaboratory 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 lablaboratory 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~~
37 also have the following powers and duties:

38 (1) Advisory board. – A board of trustees~~The chancellor shall appointestablish~~
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

- member who resides in the local school administrative unit in which the lab school is located, two parents or guardians of students who attend the lab school, and one lab school student appointed by the principal to serve on the advisory board institution. At least one of the faculty members shall be faculty from the constituent institution's educator preparation program.
4. The superintendent of the local school administrative unit in which the laboratory school is located.
5. A member of the community who resides in the local school administrative unit in which the laboratory school is located.
6. Up to four other members that the chancellor deems necessary.
- a1. Terms of members. – The term of each member shall be for ~~two~~four years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. No advisory board member shall serve more than two complete consecutive terms. The ~~board of trustees~~chancellor shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than ~~two~~three members in any year.
- a2. Organization; meetings; expenses. – The ~~board of trustees~~chancellor shall call the organizational meeting of the advisory board. The advisory board shall meet at least quarterly. The advisory board shall annually elect a chair and a vice-chair. There shall be no limitation on successive appointments to the advisory board or successive terms that may be served by a chair or vice-chair. The advisory board shall adopt internal organizational procedures or bylaws necessary for efficient operation. Advisory board members shall not receive per diem or travel expenses for the performance of their duties.
- b. Duties. – The advisory board ~~shall meet at least quarterly and~~ shall have the following duties:
1. Monitor the operations of the ~~lab~~laboratory school and the distribution of moneys allocated for such operations.
 2. Recommend to the ~~board of trustees~~chancellor necessary policy, program, and administration modifications.
 3. Evaluate biennially the performance of the principal and recommend corresponding action to the ~~board of trustees~~chancellor.
 4. Annually review evaluations of the ~~lab~~laboratory school's operation and research findings.
- (2) Academic program. – Laboratory school course of study. –
- a. The ~~board of trustees~~chancellor shall establish the standard course of study for the ~~lab~~laboratory school. This course of study shall set forth the subjects to be taught in each grade and the texts and other educational materials on each subject to be used in each grade. The ~~board of trustees~~chancellor shall design its programs to meet at least the student performance standards adopted by the State Board of Education and the student performance standards contained in 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 ~~students~~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

- 1 record as the term "public record" is defined under G.S. 132-1 and shall not
2 be subject to inspection and examination under G.S. 132-6.
- 3 (11) Schematic diagrams and school crisis kits. – ~~Lab~~Laboratory schools are
4 encouraged to provide schematic diagrams and keys to the main entrance of
5 school facilities to local law enforcement agencies, in addition to
6 implementing the provisions in G.S. 115C-105.52.
- 7 (12) School safety exercises. – At least once a year, a ~~lab~~laboratory school is
8 encouraged to hold a full schoolwide lockdown exercise with local law
9 enforcement and emergency management agencies that are part of the
10 ~~lab~~laboratory school's SRMP.
- 11 (13) Safety information provided to the Department of Public Safety, Division of
12 Emergency Management. – A ~~lab~~laboratory school is encouraged to provide
13 the following: (i) schematic diagrams, including digital schematic diagrams
14 and (ii) emergency response information requested by the Division for the
15 SRMP. The schematic diagrams and emergency response information are
16 not considered public records as the term "public record" is defined under
17 G.S. 132-1 and shall not be subject to inspection and examination under
18 G.S. 132-6.
- 19 (14) North Carolina school report cards. – A ~~lab~~laboratory school shall ensure
20 that the report card issued for it by the State Board of Education receives
21 wide distribution to the local press or is otherwise provided to the public. A
22 ~~lab~~laboratory school shall ensure that the overall school performance score
23 and grade earned by the ~~lab~~laboratory school for the current and previous
24 four school years is prominently displayed on the school Web site. If a
25 ~~lab~~laboratory school is awarded a grade of D or F, the ~~lab~~laboratory school
26 shall provide notice of the grade in writing to the parent or guardian of all
27 students enrolled in that school.
- 28 (15) Policy against bullying. – A ~~lab~~laboratory school is encouraged to adopt a
29 policy against bullying or harassing behavior, including cyberbullying, that
30 is consistent with the provisions of Article 29C of Chapter 115C of the
31 General Statutes. If a ~~lab~~laboratory school adopts a policy to prohibit
32 bullying and harassing behavior, the ~~lab~~laboratory school shall, at the
33 beginning of each school year, provide the policy to staff, students, and
34 parents as defined in G.S. 115C-390.1(b)(8).
- 35 (16) Access for youth groups. – ~~Lab~~Laboratory schools are encouraged to
36 facilitate access for students to participate in activities provided by any
37 youth group listed in Title 36 of the United States Code as a patriotic
38 society, such as the Boy Scouts of America, and its affiliated North Carolina
39 groups and councils, and the Girl Scouts of the United States of America,
40 and its affiliated North Carolina groups and councils. Student participation
41 in any activities offered by these organizations shall not interfere with
42 instructional time during the school day for the purposes of encouraging
43 civic education.

44 **"§ 116-239.9. Student admissions and assignment.**

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

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

(c) During each period of enrollment, the ~~lab~~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 ~~lab~~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 ~~lab~~laboratory school and ~~the~~a 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 ~~lab~~laboratory school, the local school administrative unit shall grant the leave for one year. For the initial year of the ~~lab~~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 ~~lab~~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 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.~~

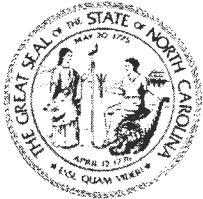
~~**"SECTION 11.6.(e)** Notwithstanding G.S. 116-239.7(a), as enacted by this section, by November 1, 2016, the Board of Governors of The University of North Carolina shall submit the plan for the location of the eight lab schools, including identifying the constituents institutions that will be operating 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: Senate Education/Higher Education
Introduced by: Reps. Horn, Johnson, Fraley
Analysis of: First Edition

Date: June 14, 2017
Prepared by: Kara McCraw*
Staff Attorney

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: HB 532 would make various changes to 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.

Creation and Dissolution of Lab Schools

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 532

Page 2

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.

**This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*



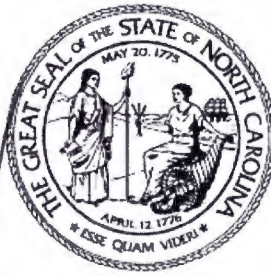
Senate Committee On Education/Higher Education

June 14, 2017 – Room 544 – 12:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Maria Gonzalez	New Frame
David Joyner	staff
Johanna Reese	NCACC
Danna B. Clark	UNCC
Mary Shuping	NCCCS
Deonney Williams	staff
Lee Tanner	TAG
Clyde Gossage	State Sup. ofc.
Holder	DPI/SBE
Robb Jansen	DPI/SBE
Flint Benson	SEANC
Ace Royall	NCFPC
Andrew Cagle	UNCG
Michelle Brooks	ECU
Jonathan Koppler	UNC - GA
Sean Bulson	UNC - GA
Drew Miretz	UNC - GA
Brian Milne	NCSBA
Richard Bostri	NCSBA





Senate Committee On Education/Higher Education

June 14, 2017 – Room 544 – 12:00 PM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Katie Gammon	Governor
Leanne Winner	WCSBA
Magham Lens	nc chamber
Bryan N. Holloway	Holloway Group Inc
Katherine W. Duke	NCSBA
Robert W. Mitchell	Holloway Group Inc
Dalton Clark	NCEL
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Susan Harrison	NC DPI
Sherry Thomas	NC DPI
Tiffany Perkins	NC DPI
Tammy Howard	NC DPI
Tom Timberlin	NC DPI
Kortney Smith	NCFB
Reynald Walters-Hagan	Chandler Hagan
Ainsley Duke	n/a
Angela Scioli	Wake Co. Public Teacher







Senate Pages Attending

COMMITTEE: Education / Higher Ed. ROOM: 544

DATE: 6-14-17 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

	Page Name	Hometown	Sponsoring Senator
1.	Brooke Pearce	Youngsville	Barefoot
2.	Elisabeth Heath	Washington	Cook
3.	Isabella Dyson	Charlotte	Tarte
4.	Sophie Dyson	Charlotte	Tarte
5.	Robert Morgan	Charlotte	Tarte
6.	Sydney Lee	Wilmington	Ballard
7.	Parker McLawhorn	Raleigh	Chaudhuri
8.	Shamik Bhattacharya	Raleigh	Chaudhuri

9. Savan Yerramsetty Cary Barringer

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





Senate Committee
ON
Education/Higher Education

June 14, 2017 – 12:00 PM
Room 544

Senate Sergeant at Arms:

CHARLES MARSALIS
FRANCES PATTERSON
HAL ROACH



**Senate Committee on Education/Higher Education
Tuesday, June 20, 2017 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on June 20, 2017 in Room 544 of the Legislative Office Building. 15 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting and recognized the Senate Sergeant at Arms and Senate Pages.

HB 90: Eliminate NC Final Exam. (Representatives Elmore, K. Hall, Hurley)

Members of the committee were given the opportunity to discuss and comment on the bill. Senator Rabin made a motion of favorable to the proposed committee substitute and an unfavorable report to the original bill. The motion was approved.

HB 800: Various Changes to Charter School Laws. (Representatives Bradford, Saine, Stone, Grange)

Senator Barefoot made a motion to adopt the proposed committee substitute. The motion was approved. Senator Barefoot recognized Representative Bradford to explain the proposed committee substitute. Senator Barefoot and Representative Bradford jointly explained the proposed committee substitute. Members of the committee were given the opportunity to discuss and comment on the bill. The bill was held over to the next education committee meeting.

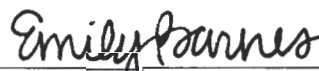
HB 155: Modify Educator Licensure Requirements. (Representatives K. Hall, Conrad, L. Bell, Floyd)

Senator Ballard made a motion to adopt the proposed committee substitute. The motion was approved. Senator Barefoot explained the proposed committee substitute. Members of the committee were given the opportunity to discuss and comment on the bill. The bill was held over to the next education committee meeting.

The meeting adjourned at 12:27 PM.



Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk



**Senate Committee on Education/Higher Education
Tuesday, June 20, 2017, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 90	Eliminate NC Final Exam.	Representative Elmore Representative K. Hall Representative Hurley
HB 800	Various Changes to Charter School Laws.	Representative Bradford Representative Saine Representative Stone Representative Grange
HB 155	Modify Educator Licensure Requirements.	Representative K. Hall Representative Conrad Representative L. Bell Representative Floyd

Adjournment



Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on Education/Higher Education will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 20, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 90</u>	NC Truth in Education.	Representative Elmore Representative K. Hall Representative Hurley
<u>HB 800</u>	Various Changes to Charter School Laws.	Representative Bradford Representative Saine Representative Stone Representative Grange
<u>HB 155</u>	Modify Educator Licensure Requirements.	Representative K. Hall Representative Conrad Representative L. Bell Representative Floyd

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Tuesday, June 20, 2017

Senator Lee,

submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO
SENATE COMMITTEE SUBSTITUTE BILL**

HB 90 (CS#1)

Eliminate NC Final Exam.

Draft Number:

H90-PCS10381-TC-44

Sequential Referral:

Rules and Operations of the Senate

Recommended Referral:

None

Long Title Amended:

Yes

TOTAL REPORTED: 1

Senator David L. Curtis will handle HB 90



* C M R 5 3 8 - V - 1 *



HOUSE BILL 90: NC Truth in Education Act.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 14, 2017
Introduced by:	Reps. Elmore, K. Hall, Hurley	Prepared by:	Kara McCraw
Analysis of:	PCS to Second Edition H90-CSTC-44		Staff Attorney, Cody Davis, Legal Extern

OVERVIEW: *The PCS to House Bill 90 removes the contents of the previous version and instead requires that constituent institutions within The University of North Carolina provide undergraduate students with certain information upon application to the institution or upon declaration of a major at the institution.*

BILL ANALYSIS: Under this bill, constituent institutions of the UNC system would be required to compile and provide the following information to applicants to undergraduate programs at the institution and enrolled students when formally declaring majors:

1. Default rates and repayment rates of student loans.
2. Four-year and six-year graduation rates.
3. Employment and unemployment rates of students who earn a baccalaureate degree.
4. Median and mean of the (i) starting salaries of undergraduates who earn a baccalaureate degree and (ii) the salaries of undergraduates five years after graduating with a baccalaureate degree.
5. Graduate school acceptance rates of undergraduates.
6. Average time for a student to earn a baccalaureate degree.

The information above would be collected for graduating classes of undergraduates as a whole and by major at the constituent institution.

The bill would require that the constituent institution provide the information to students applying for undergraduate admission and to enrolled undergraduates upon formal declaration of a major by electronic transmission within five days of receiving an application or formal declaration of a major.

The bill would require that the University of North Carolina General Administration be responsible for creating a uniform format for the information to be provided by each constituent institution and ensuring that each constituent institution complies with the requirements of the bill.

This bill would not apply to constituent institutions that are high schools.

EFFECTIVE DATE: HB 90 would become effective when it becomes law. Constituent institutions would be required to provide the information set forth in the bill beginning with the Fall 2018 academic semester and continuing every semester thereafter.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 90
Committee Substitute Favorable 3/21/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H90-CSTC-44 [v.7]
06/13/2017 6:54:29 PM

Short Title: NC Truth in Education.

(Public)

Sponsors:

Referred to:

February 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE EACH CONSTITUENT INSTITUTION TO COMPILE AND
3 PROVIDE CERTAIN INFORMATION TO STUDENTS WHO APPLY FOR
4 UNDERGRADUATE ADMISSION AT THE CONSTITUENT INSTITUTION THAT MAY
5 BE HELPFUL TO STUDENTS IN SELECTING AN INSTITUTION OF HIGHER
6 EDUCATION TO ATTEND AND IN MAKING CAREER CHOICES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by
9 adding a new section to read:

10 "§ 116-40.15. Duty to provide certain information to students applying for admission or
11 enrolled at a constituent institution regarding the employment rates, student loan
12 repayment and default rates, and other similar information of prior graduating
13 classes.

14 (a) Each constituent institution shall compile the information listed in this subsection and
15 provide that information as required by subsection (b) of this section to students applying as
16 undergraduate students and to enrolled undergraduate students who have formally declared a
17 major at the institution. Each constituent institution shall compile annually all of the following
18 information regarding prior undergraduate graduating classes of the institution as a whole and by
19 major:

- 20 (1) Default rate and repayment rate of student loans.
21 (2) Four-year and six-year graduation rates.
22 (3) Employment and unemployment rates for students who earn a baccalaureate
23 degree.
24 (4) Median and mean for the following:
25 a. Starting salary for students graduating with a baccalaureate degree.
26 b. Salaries of students five years after graduation with a baccalaureate
27 degree.
28 (5) Graduate school acceptance rates.
29 (6) Average time to earn a baccalaureate degree.

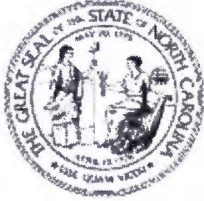
30 (b) The constituent institution shall electronically transmit information as follows:

- 31 (1) Within five days of receipt of an individual's admission application to the
32 institution as an undergraduate student, the information compiled as provided in
33 subsection (a) of this section regarding prior undergraduate classes of the
34 institution as a whole to the prospective student.



* H 9 0 - C S T C - 4 4 *

- 1 (2) Within five days of an undergraduate student's formal declaration of a major,
2 the information compiled in subsection (a) of this section regarding prior
3 graduates with that major from the institution to the undergraduate student.
- 4 (c) The University of North Carolina General Administration shall develop a uniform
5 format for providing the information required by this section that shall be used by each constituent
6 institution. The University of North Carolina General Administration shall also ensure that each
7 constituent institution complies with this section.
- 8 (d) This section does not apply to the constituent institutions that are high schools."
- 9 **SECTION 2.** This act is effective when it becomes law and applies to students
10 applying as undergraduate students for the 2018 fall academic semester, to students who declare a
11 major for the 2018 fall academic semester, and to students in those categories each subsequent
12 academic semester.



HOUSE BILL 800: Various Changes to Charter School Laws.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 20, 2017
Introduced by:	Reps. Bradford, Saine, Stone, Grange	Prepared by:	Drupti Chauhan
Analysis of:	PCS to Third Edition H800-CSRQ-12		Kara McCraw Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 800 makes various changes to charter school laws and the North Carolina Virtual Public School.*

PART I: Allow Employees of Education or Charter Management Organizations to Serve as Teachers

Current Law: G.S. 115C-218.90 requires the charter school's board of directors to employ and contract with teachers for the charter schools.

Bill Analysis: The board of directors would also be able to contract with an education management organization or charter management organization to employ and provide teachers for the school.

PART II: Modify Decision Timeline for Charter School Fast-Track Replication Application Process

Current Law: S.L. 2016-79 requires State Board of Education (SBE) rules for the fast-track replication process for charters provide that decisions by the SBE on whether to grant a charter through the replication process be completed no later than October 15 of the year immediately preceding the year of the proposed school opening.

Bill Analysis: The PCS would require the rules to provide that decisions be completed in less than 120 days from the application submission date for fast track replications.

Effective Date: This section would be effective when the bill became law and would apply beginning with applications submitted for fast-track replication of schools opening in the 2018-2019 school year.

PART III: Expansion of Growth Exception for Material Revisions of Charters

Current Law: Enrollment growth of more than 20% is considered a material revision of a charter and requires approval by the SBE. The SBE may approve enrollment growth of greater than 20% only if it finds 5 specific items including: (i) actual enrollment is within 10% of maximum authorized enrollment; (ii) there are commitments for 90% of the requested maximum growth; (iii) the school is not identified as low-performing; (iv) the school meets generally accepted standards of fiscal management; and (v) the school is substantially in compliance with the law, its own by-laws and its charter.

Bill Analysis: The PCS would provide that enrollment growth of greater than 25% is to be considered a material revision of a charter and would require approval by the SBE.

Effective Date: This section is effective when it becomes law and applies to approvals for material changes on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 800

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PART IV: Enrollment Priorities for Students Previously Enrolled in Charters

Current Law: Charter schools may give enrollment priority to various groups of students including siblings; children of the schools' employees and boards of directors (limited to 15% of the enrollment unless a waiver is granted by the SBE); and students enrolled in other charter schools in the previous year that do not offer the student's next grade level.

Bill Analysis: The PCS would add another enrollment priority category for students who were enrolled in another charter school in the State in the previous school year.

PART V: Charter Schools and NC Pre-K

Current Law: Charter schools can currently run NC Pre-K programs if they meet the requirements of the program, including the rules and regulations for child care established by the Division of Child Development and Early Education at the Department of Health and Human Services, such as having teachers licensed in birth through kindergarten. Traditional public schools do have an exemption from building standards for a child care facility under G.S. 115C-521.1.

Bill Analysis: The PCS directs the Office of Charter Schools to assist charter schools that wish to participate in the NC Pre-K program. It also allows a charter school to give enrollment priority to a student who was enrolled in a preschool program in the prior year that was operated by that charter school. Finally, the PCS creates a new statute that specifies that charter schools may apply to participate in the NC Pre-K program as a local program site. A charter school can request assistance from the Office of Charter Schools regarding its application if it meets the following: (i) has operated as charter school for at least 3 school years; (ii) is not identified as low-performing; (iii) meets generally accepted standards of fiscal management; and (iv) is in substantial compliance with the law, its own by-laws and its charter.

The Office of Charter Schools along with the Division of Child Development and Early Education at the Department of Health and Human Services must assist a charter school with determining whether the charter school's proposed program would meet the specific building standards set out below and any other State standards required for the charter school to be licensed as a child care facility and site standards for NC Pre-K. Charter schools that otherwise meet all of the requirements for a child care facility license may use an existing or newly constructed classroom for 3 and 4 year old students without modifications if the classroom meets the following: (i) has at least 1 toilet and sink for hand washing; (ii) meets kindergarten standards for overhead light fixtures, floor, walls, and ceilings; and (iii) has floors, walls, and ceiling that are mold, mildew, and lead hazard free. These standards are the same as what is required of the traditional public schools. G.S. 115C-521.1.

PART VI: North Carolina Virtual Public School (NCVPS)

Bill Analysis: The PCS would make modifications to the NCVPS, that include: (i) providing that the Director of NCVPS must ensure that course quality standards are met for courses developed by NCVPS; and (ii) repealing the requirement that all e-learning opportunities are consolidated under NCVPS. The provision also allows local school administrative units to partner with providers other than NCVPS for e-learning opportunities. These other providers must (i) be accredited by a regional accrediting agency; (ii) employ teachers who hold teaching licenses from states that are in the NASDTEC Educator Identification Clearinghouse; and (iii) ensure that the courses offered to North Carolina students are aligned to the North Carolina Standard Course of Study.

Effective Date: This section is effective when it becomes law.

PART VII: Effective Date Except as otherwise provided, the bill would become effective when it becomes law and apply beginning with the 2017-2018 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 800
Committee Substitute Favorable 4/24/17
Third Edition Engrossed 4/25/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H800-CSRQ-12 [v.3]

06/19/2017 7:16:30 PM

Short Title: Various Changes to Charter School Laws.

(Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING CHARTER
SCHOOLS.

The General Assembly of North Carolina enacts:

**PART I. ALLOW EMPLOYEES OF EDUCATION OR CHARTER MANAGEMENT
ORGANIZATIONS TO SERVE AS TEACHERS**

SECTION 1. G.S. 115C-218.90(a)(1) reads as rewritten:

"(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers or contract with an education management organization or charter management organization to employ and provide teachers to perform the particular service for which they are employed in the school; at least fifty percent (50%) of these teachers shall hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services. The board may discharge teachers and nonlicensed employees."

**PART II. MODIFY THE DECISION TIME LINE FOR THE CHARTER SCHOOL
FAST-TRACK REPLICATION APPLICATION PROCESS**

SECTION 2.(a) Section 6.5 of S.L. 2014-101, as amended by Section 2 of S.L. 2016-79, reads as rewritten:

"**SECTION 6.5.** Upon recommendations by the Office of Charter Schools and the Charter Schools Advisory Board, the State Board of Education shall adopt a process and rules for fast-track replication of high-quality charter schools currently operating in the State. The State Board of Education shall not require a planning year for applicants selected through the fast-track replication process. In addition to the requirements for charter applicants set forth in Part 6A of Article 16 of Chapter 115C of the General Statutes, the fast-track replication process adopted by the State Board of Education shall, at a minimum, require a board of directors of a charter school to demonstrate one of the following in order to qualify for fast-track replication:



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(1) A charter school in this State governed by the board of directors has student academic outcomes that are comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located and can provide three years of financially sound audits.

(2) The board of directors agrees to contract with an education management organization or charter management organization that can demonstrate that it can replicate high-quality charter schools in the State that have proven student academic success and financial soundness.

The State Board of Education shall ensure that the rules for a fast-track replication process provide that decisions by the State Board of Education on whether to grant a charter through the replication process are completed in less than 120 days from the application submission date. The State Board shall provide a decision no later than October 15 of the year immediately preceding the year of the proposed school opening. The State Board of Education shall adopt rules and procedures required by this section within 90 days of the effective date of this act, and report to the Joint Legislative Education Oversight Committee within 120 days of the effective date of this act."

SECTION 2.(b) This section is effective the date this act becomes law and applies beginning with applications submitted for fast-track replication of schools opening in the 2018-2019 school year.

PART III. EXPANSION OF GROWTH EXCEPTION FOR MATERIAL REVISIONS OF CHARTERS

SECTION 3.(a) G.S. 115C-218.7(b) reads as rewritten:

"(b) Enrollment growth of greater than ~~twenty percent (20%)~~ twenty-five percent (25%) shall be considered a material revision of the charter. The State Board may approve such additional enrollment growth of greater than ~~twenty percent (20%)~~ twenty-five percent (25%) only if it finds all of the following:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.
- (3) The charter school is not currently identified as low-performing.
- (4) The charter school meets generally accepted standards of fiscal management.
- (5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board."

SECTION 3.(b) G.S. 115C-218.8 reads as rewritten:

"§ 115C-218.8. Nonmaterial revisions of charters.

It shall not be considered a material revision of a charter and shall not require prior approval of the State Board for a charter school to do any of the following:

- (1) Increase its enrollment during the charter school's second year of operation and annually thereafter by up to ~~twenty percent (20%)~~ twenty-five percent (25%) of the school's previous year's enrollment.
- (2) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.
- (3) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as continually low-performing as provided in

G.S. 115C-218.94, and (iii) has been in financial compliance as required by the State Board."

SECTION 3.(c) This section is effective when it becomes law and applies to approvals for material changes on or after that date.

PART IV. ENROLLMENT PRIORITIES FOR STUDENTS PREVIOUSLY ENROLLED IN CHARTERS

SECTION 4. G.S. 115C-218.45(f) reads as rewritten:

"(f) The charter school may give enrollment priority to any of the following:

- (1) Siblings of currently enrolled students who were admitted to the charter school in a previous year. For the purposes of this section, the term "siblings" includes any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.
- (2) Siblings of students who have completed the highest grade level offered by that school and who were enrolled in at least four grade levels offered by the charter school or, if less than four grades are offered, in the maximum number of grades offered by the charter school.
- (3) Limited to no more than fifteen percent (15%) of the school's total enrollment, unless granted a waiver by the State Board of Education, the following:
 - a. Children of the school's full-time employees.
 - b. Children of the charter school's board of directors.
- (4) A student who was enrolled in the charter school within the two previous school years but left the school (i) to participate in an academic study abroad program or a competitive admission residential program or (ii) because of the vocational opportunities of the student's parent.
- (5) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level.
- (6) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level and both of the charter schools have an enrollment articulation agreement to accept students or are governed by the same board of directors.
- (7) A student who was enrolled in another charter school in the State in the previous school year."

PART V. CHARTER SCHOOLS AND NC PRE-K

SECTION 5.(a) G.S. 115C-218(c)(3) reads as rewritten:

- "(3) Powers and duties. – The Office of Charter Schools shall have the following powers and duties:
- a. Serve as staff to the Advisory Board and fulfill any task and duties assigned to it by the Advisory Board.
 - b. Provide technical assistance and guidance to charter schools operating within the State.
 - c. Provide technical assistance and guidance to nonprofit corporations seeking to operate charter schools within the State.
 - d. Provide or arrange for training for charter schools that have received preliminary approval from the State Board.
 - e. Assist approved charter schools and charter schools seeking approval from the State Board in coordinating services with the Department of Public Instruction.

- 1 e1. Assist certain charter schools seeking to participate in the NC
2 prekindergarten program in accordance with G.S. 115C-218.115.
3 f. Other duties as assigned by the State Board."

4 **SECTION 5.(b)** G.S. 115C-218.45(f), as amended by Section 4 of this act, reads as
5 rewritten:

6 "(f) The charter school may give enrollment priority to any of the following:

- 7 (1) Siblings of currently enrolled students who were admitted to the charter
8 school in a previous year. For the purposes of this section, the term
9 "siblings" includes any of the following who reside in the same household:
10 half siblings, stepsiblings, and children residing in a family foster home.
11 (2) Siblings of students who have completed the highest grade level offered by
12 that school and who were enrolled in at least four grade levels offered by the
13 charter school or, if less than four grades are offered, in the maximum
14 number of grades offered by the charter school.
15 (2a) A student who was enrolled in a preschool program operated by the charter
16 school in the prior year.
17 (3) Limited to no more than fifteen percent (15%) of the school's total
18 enrollment, unless granted a waiver by the State Board of Education, the
19 following:
20 a. Children of the school's full-time employees.
21 b. Children of the charter school's board of directors.
22 (4) A student who was enrolled in the charter school within the two previous
23 school years but left the school (i) to participate in an academic study abroad
24 program or a competitive admission residential program or (ii) because of
25 the vocational opportunities of the student's parent.
26 (5) A student who was enrolled in another charter school in the State in the
27 previous school year that does not offer the student's next grade level.
28 (6) A student who was enrolled in another charter school in the State in the
29 previous school year that does not offer the student's next grade level and
30 both of the charter schools have an enrollment articulation agreement to
31 accept students or are governed by the same board of directors.
32 (7) A student who was enrolled in another charter school in the State in the
33 previous school year."

34 **SECTION 5.(c)** Article 14A of Chapter 115C of the General Statutes is amended
35 by adding a new section to read:

36 **"§ 115C-218.115. Operation of NC Pre-K programs.**

37 (a) A charter school may apply to a local contracting agency to participate in the NC
38 prekindergarten (NC Pre-K) program as a local program site offering families a high-quality
39 prekindergarten experience. A charter school that seeks to operate as a NC Pre-K program site
40 may request administrative and technical assistance from the Office of Charter Schools with its
41 application to the local contracting agency if the charter school meets all of the following:

- 42 (1) The charter school has operated as a charter school for at least three school
43 years.
44 (2) The charter school is not currently identified as low-performing.
45 (3) The charter school meets generally accepted standards of fiscal management.
46 (4) The charter school is substantially in compliance with State law, federal law,
47 the charter school's own bylaws, and the provisions set forth in its charter
48 granted by the State Board.

49 (b) The Office of Charter Schools, in consultation with the Department of Health and
50 Human Services, Division of Child Development and Early Education, shall assist a charter
51 school under subsection (a) of this section with determining whether the charter school's

proposed program meets (i) the building standards set forth in subsection (c) of this section and any other State standards for the charter school to be licensed as a child care facility and (ii) the standards required to be selected as a site under the NC Pre-K program. If the charter school does not meet these standards, the Office of Charter Schools shall provide assistance to the charter school in identifying any obstacles to its participation in the NC Pre-K program.

(c) A charter school that otherwise meets all of the requirements for a child care facility license may use an existing or newly constructed classroom in the charter school for three- and four-year-old preschool students without modifications to the classroom or building if the classroom meets all of the following:

- (1) Has at least one toilet and one sink for hand washing.
- (2) Meets kindergarten standards for overhead light fixtures.
- (3) Meets kindergarten standards for floors, walls, and ceilings.
- (4) Has floors, walls, and ceilings that are free from mold, mildew, and lead hazards."

PART VI. NORTH CAROLINA VIRTUAL PUBLIC SCHOOL

SECTION 6.(a) Section 7.22(h) of S.L. 2011-145, as amended by Section 88 of S.L. 2014-115, reads as rewritten:

"SECTION 7.22.(h) Beginning in 2011, the Director of NCVPS shall submit an annual report on NCVPS to the State Board of Education no later than December 15 of each year. The report shall use data from the previous fiscal year and shall include statistics on actual versus projected costs to local school administrative units and charter schools, student enrollment, virtual teacher salaries, and measures of academic achievement.

The Director of NCVPS shall continue to ensure the following:

- (1) Course quality standards are established and ~~met~~ met for courses developed by NCVPS.
- (2) ~~All e-learning opportunities other than virtual charter schools offered by State-funded entities to public school students are consolidated under the NCVPS program, eliminating course duplication.~~
- (3) All courses offered through NCVPS are aligned to the North Carolina Standard Course of Study."

SECTION 6.(b) Notwithstanding any other provision of law, local school administrative units may partner with eligible providers other than the North Carolina Virtual Public School for e-learning opportunities. Eligible providers shall meet all of the following:

- (1) Be accredited by a regional accrediting agency such as but not limited to, AdvancEd or the Southern Association of Colleges and Schools (SACS).
- (2) Employ teachers who hold teaching licenses from states that participate in the NASDTEC Educator Identification Clearinghouse.
- (3) Ensure that courses offered to North Carolina students are aligned to the North Carolina Standard Course of Study.

SECTION 6.(c) This section becomes effective when it becomes law.

PART VII. EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act is effective when it becomes law and applies beginning with the 2017-2018 school year.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 800
Committee Substitute Favorable 4/24/17
Third Edition Engrossed 4/25/17

Short Title: Various Changes to Charter School Laws.

(Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING CHARTER
SCHOOLS.

The General Assembly of North Carolina enacts:

PART I. CHARTER SCHOOLS IN THE WORKPLACE

SECTION 1.(a) G.S. 115C-218.45 reads as rewritten:

"§ 115C-218.45. Admission requirements.

...
(f) The charter school may give enrollment priority to any of the following:

...
(7) Limited to no more than fifty percent (50%) of the school's total enrollment, children of permanent employees of a charter partner in accordance with subsection (f1) of this section. If the number of applications from these children exceed fifty percent (50%) of the school's total enrollment, these children shall be accepted by a separate lottery.

(f1) For purposes of this section, a charter partner is any legal entity authorized to transact business in this State under Chapter 55, 55A, 55B, 57D, or 59 of the General Statutes and that has, acting individually or as part of a consortium of corporations, donated one or more of the following, valued at a minimum of fifty thousand dollars (\$50,000), to the charter school:

- (1) The land on which the school is built.
- (2) The school building or the space the school occupies. If the charter partner is leasing the building or space to the school, the charter school may only give enrollment priority if the lease provides that the building or space is made available without cost and if the term of the lease is not less than the duration of the charter.
- (3) Major renovations to the existing school building or other capital improvements, including major investments in technology. For purposes of this subdivision, a major renovation to the existing school building means changes that provide significant opportunities for substantial improvement, including, but not limited to, a structural change to the foundation, roof, floor, or interior or exterior walls or extension of an existing facility to increase its floor area, or an extensive alteration of an existing facility, such as a change in its function or purpose, even if such renovation does not include any structural change to the facility. A major investment in



technology includes, but is not limited to, a donation of hardware, software, Internet access, Internet hardware, enterprise systems, software licenses, smart board technology, or audiovisual equipment. The value of a major renovation or of an investment of technology shall be equal to at least fifty percent (50%) of the State's per pupil allocation for charter schools for that year multiplied by the charter school's average daily membership.

(f2) Each year that the charter school provides the charter partner with enrollment priority, as described in subdivision (7) of subsection (f) of this section, the charter partner and the charter school shall enter into a memorandum of understanding that shall specify the duration of the priority and the methods by which the charter partner shall support the charter school, including, but not limited to, internships for students, career counseling, academic tutoring, or enrichment activities.

(f3) The enrollment priority described in subdivision (7) of subsection (f) of this section shall not be implemented in a way that displaces students who are enrolled at the school at the time the charter application or the material revision providing for the priority is approved by the State Board of Education.

...."

SECTION 1.(b) G.S. 115C-218.1(b) is amended by adding a new subdivision to read:

"(16) Whether the charter school intends to provide enrollment priority to the children of a charter partner and, if so, identifying information for that charter partner."

SECTION 1.(c) G.S. 115C-218.7 is amended by adding a new subsection to read:

"(e) Adoption of the enrollment priority described in G.S. 115C-218.45(f)(3)c. shall be considered a material revision of the charter."

SECTION 1.(d) G.S. 115C-218.15 is amended by adding a new subsection to read:

"(b1) Persons affiliated with a charter partner, as defined in G.S. 115C-218.45(f1), are eligible for membership on the board of directors of a charter school that provides enrollment priority to charter partners, subject to the requirements of subsection (b) of this section, as follows:

(1) Persons affiliated with the charter partner shall not constitute a majority of the board.

(2) If the charter partner is leasing the building or space to the school, the lease shall provide that the building or space is made available without cost and the term of the lease shall not be less than the duration of the charter."

PART II. ALLOW EMPLOYEES OF EDUCATION OR CHARTER MANAGEMENT ORGANIZATIONS TO SERVE AS TEACHERS

SECTION 2. G.S. 115C-218.90(a)(1) reads as rewritten:

"(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers or contract with an education management organization or charter management organization to provide teachers to perform the particular service for which they are employed in the school; at least fifty percent (50%) of these teachers shall hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may

1 contract for other services. The board may discharge teachers and
2 nonlicensed employees."

3
4 **PART IV. MODIFY THE DECISION TIME LINE FOR THE CHARTER SCHOOL**
5 **FAST-TRACK REPLICATION APPLICATION PROCESS**

6 **SECTION 4.(a)** Section 6.5 of S.L. 2014-101, as amended by Section 2 of S.L.
7 2016-79, reads as rewritten:

8 "SECTION 6.5. Upon recommendations by the Office of Charter Schools and the Charter
9 Schools Advisory Board, the State Board of Education shall adopt a process and rules for
10 fast-track replication of high-quality charter schools currently operating in the State. The State
11 Board of Education shall not require a planning year for applicants selected through the
12 fast-track replication process. In addition to the requirements for charter applicants set forth in
13 Part 6A of Article 16 of Chapter 115C of the General Statutes, the fast-track replication process
14 adopted by the State Board of Education shall, at a minimum, require a board of directors of a
15 charter school to demonstrate one of the following in order to qualify for fast-track replication:

- 16 (1) A charter school in this State governed by the board of directors has student
17 academic outcomes that are comparable to the academic outcomes of
18 students in the local school administrative unit in which the charter school is
19 located and can provide three years of financially sound audits.
20 (2) The board of directors agrees to contract with an education management
21 organization or charter management organization that can demonstrate that it
22 can replicate high-quality charter schools in the State that have proven
23 student academic success and financial soundness.

24 The State Board of Education shall ensure that the rules for a fast-track replication process
25 provide that decisions by the State Board of Education on whether to grant a charter through
26 the replication process are completed in less than 90 days from the application submission date.
27 The State Board shall provide a decision no later than October 15 of the year immediately
28 preceding the year of the proposed school opening. The State Board of Education shall adopt
29 rules and procedures required by this section within 90 days of the effective date of this act, and
30 report to the Joint Legislative Education Oversight Committee within 120 days of the effective
31 date of this act."

32 **SECTION 4.(b)** This section is effective the date this act becomes law and applies
33 beginning with applications submitted for fast-track replication of schools opening in the
34 2018-2019 school year.

35
36 **PART V. EFFECTIVE DATE**

37 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
38 law and applies beginning with the 2017-2018 school year.





HOUSE BILL 155: Omnibus Education Law Changes.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 19, 2017
Introduced by:	Reps. K. Hall, Conrad, L. Bell, Floyd	Prepared by:	Drupti Chauhan
Analysis of:	PCS to Second Edition H155-CSRQ-13		Kara McCraw Brian Gwyn Committee Counsel

OVERVIEW: *The Proposed Committee Substitute for HB 155 makes changes to various education statutes. It also directs the Superintendent of Public Instruction (Superintendent) to study student health issues; directs the State Board of Education (SBE) to delay implementation of certain policies; and directs the Superintendent to study the expansion of the teaching of computer science.*

PART I: MODIFY SCHOOL/CLASS SIZE REPORT DATE

Bill Analysis: This section changes the reporting date from September to October for the report that must be submitted to the Superintendent on regarding school organization data for each school in a local school administrative unit, including class size.

Effective Date: This section would become effective when it becomes law and applies beginning with the 2017-2018 school year.

PART II: MAKES CONFORMING CHANGES TO CAREER STATUS STATUTES TO ALIGN WITH NORTH CAROLINA SUPREME COURT DECISION

Bill Analysis: In 2012, the North Carolina General Assembly made numerous changes to the career status statutes, including the repeal of career status for all teachers effective June 30, 2018. The North Carolina Supreme Court held career status could not be removed from teachers who had already attained career status as long as they stayed continuously employed by the same local school administrative unit. This section makes conforming changes to retain existing laws related to career status for those teachers.

Effective Date: This section would become effective when it becomes law.

PART III: AUTHORIZE ASSISTANT PRINCIPALS AT CERTAIN SCHOOLS TO CONDUCT EVALUATIONS FOR BEGINNING TEACHERS

Current Law: Teachers who have not been employed for at least three consecutive years must be evaluated at least once annually by a principal.

Bill Analysis: For high schools with at least 1500 students, this section allows the principal or assistant principal to complete the evaluation as long as at least one evaluation in a teacher's first three years of employment is conducted by the principal.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 155

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Effective Date: This section would become effective when it becomes law and applies beginning with the 2017-2018 school year.

PART IV: SUPERINTENDENT STUDY STUDENT HEALTH ISSUES

Bill Analysis: This section directs the Superintendent to convene a Work Group to study effective and positive intervention measures or policy changes to address risky behaviors and encourage student health and mental health. The Work Group's findings and recommendations must be reported to the State Board of Education and the Joint Legislative Education Oversight Committee by April 1, 2018.

Effective Date: This section would become effective when it becomes law.

PART V: STATE BOARD OF EDUCATION INTERAGENCY ADVISORY COMMITTEE AND SCHOOL-BASED MENTAL HEALTH INITIATIVE DELAY IMPLEMENTATION

Bill Analysis: This section prohibits the SBE from adopting or implementing any policies or recommendations from the Interagency Advisory Committee until October, 2018. This section also directs the SBE to change the timelines for the development and implementation of plans and training required by its policy on School-Based Mental Health Initiatives by delaying all of the items by one year from the dates provided in the policy.

Effective Date: This section would become effective when it becomes law.

PART VI: STUDY/EXPAND COMPUTER SCIENCE TO ALL STUDENTS

Bill Analysis: This section directs the Superintendent and the Department of Public Instruction in collaboration with the Friday Institute for Educational Innovation at North Carolina State University and the North Carolina School of Science and Mathematics, to develop recommendations to further the teaching and student learning of computational thinking and computer science in North Carolina K-12 schools. The recommendations must include:

- Curriculum guidelines that are aligned with K-12 Computer Science Framework (October 2016) developed by the CSforAll Consortium.
- Recommendations to increase the number of teachers prepared to teach computational thinking and computer science, addressing both preservice educator preparation for teachers and professional development for in-service teachers.
- Policy recommendations.
- Alignment with the ongoing implementation of the Digital Learning Plan in North Carolina by DPI and the Friday Institute.

A report must be submitted to the Joint Legislative Education Oversight Committee on the recommendations, including any proposed legislation, by January 15, 2018.

Effective Date: This section would become effective when it becomes law.

PART VII: EFFECTIVE DATE

Except as otherwise provided, the bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 155
Committee Substitute Favorable 3/21/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H155-CSRQ-13 [v.9]

06/19/2017 6:56:06 PM

Short Title: Omnibus Education Law Changes.

(Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:
4

5 **PART I: MODIFY SCHOOL/CLASS SIZE REPORT DATE**

6 **SECTION 1.(a)** G.S. 115C-47(10), as amended by Section 2(a) of S.L. 2017-9,
7 reads as rewritten:

8 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
9 boards of education to assure that the class size requirements set forth in
10 G.S. 115C-301 for kindergarten through third grade are met. Any teacher
11 who believes that the requirements of G.S. 115C-301 have not been met
12 shall make a report to the principal and superintendent, and the
13 superintendent shall immediately determine whether the requirements have
14 in fact not been met. If the superintendent determines the requirements have
15 not been met, he or she shall make a report to the next local board of
16 education meeting. The local board of education shall take action to meet the
17 requirements of the statute. If the local board cannot organizationally correct
18 the exception, it shall immediately apply to the State Board of Education for
19 additional personnel or a waiver of the class size requirements, as provided
20 in G.S. 115C-301(g).

21 Upon notification from the State Board of Education that the reported
22 exception does not qualify for an allotment adjustment or a waiver under
23 provisions of G.S. 115C-301, the local board, within 30 days, shall take
24 action necessary to correct the exception, as required in G.S. 115C-301(g).

25 At the end of ~~September~~October and end of February of each school
26 year, the local board of education, through the superintendent, shall file a
27 report with the Superintendent of Public Instruction, in a format prescribed
28 by the Superintendent of Public Instruction, describing the organization for
29 each school in the local school administrative unit, as required by
30 G.S. 115C-301(f).

31 In addition to assuring that the requirements of G.S. 115C-301 are met,
32 each local board of education shall also have the duty to provide an adequate
33 number of classrooms to meet the requirements of that statute."

34 **SECTION 1.(b)** G.S. 115C-301(f), as amended by Section 2(b) of S.L. 2017-9,
35 reads as rewritten:



"(f) Biannual Reports. – At the end of ~~September~~October and end of February of each school year, each local board of education, through the superintendent, shall file a report, based on information provided by the principal, for each school within the local school administrative unit with the Superintendent of Public Instruction. The report shall be filed in a format prescribed by the Superintendent of Public Instruction and shall include the organization for each school in the local school administrative unit, including the following information:

...."

SECTION 1.(c) This section is effective when it becomes law and applies beginning with the 2017-2018 school year.

PART II: MAKES CONFORMING CHANGES TO CAREER STATUS STATUTES TO ALIGN WITH NORTH CAROLINA SUPREME COURT DECISION.

SECTION 2.(a) Section 9.6(a) of S.L. 2013-360 is repealed.

SECTION 2.(b) G.S. 115C-325 reads as rewritten:

"§ 115C-325. System of employment for public school teachers.

(a) Definition of Terms. – ~~As Notwithstanding G.S. 115C-325.1, as used in this section the following definitions apply unless the context requires otherwise:~~

(1) Repealed by Session Laws 1997-221, s. 13(a).

(1a) "Career employee" as used in this section ~~means:~~ means

a. ~~An an employee who has obtained~~was awarded career status with that local board as a teacher ~~as provided in G.S. 115C-325(e); prior to August 1, 2013.~~

b. ~~An employee who has obtained career status with that local board in an administrative position as provided in G.S. 115C-325(d)(2);~~

e. ~~A probationary teacher during the term of the contract as provided in G.S. 115C-325(m); and~~

d. ~~A school administrator during the term of a school administrator contract as provided in G.S. 115C-287.1(c).~~

(1b) ~~"Career school administrator" means a school administrator who has obtained career status in an administrative position as provided in G.S. 115C-325(d)(2).~~

(1c) ~~"Career teacher" means a teacher who has obtained career status as provided in G.S. 115C-325(e).~~

(1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and applicable to persons recommended for dismissal or demotion on or after that date.

(2) Repealed by Session Laws 1997, c. 221, s. 13(a).

(3) ~~"Day" means calendar day. In computing any period of time, Rule 6 of the North Carolina Rules of Civil Procedure shall apply.~~

(4) "Demote" means to reduce the salary of a person who is classified or paid by the State Board of Education as a classroom ~~teacher or as a school administrator.~~teacher. The word "demote" does not include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement; or (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach or a choral director.

(4a) "Disciplinary suspension" means a final decision to suspend a ~~teacher or school administrator~~career employee without pay for no more than 60 days under G.S. 115C-325(f)(2).

(4b) ~~"Exchange teacher" means a nonimmigrant alien teacher participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q).~~

(4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).

(5) ~~"Probationary teacher" means a licensed person, other than a superintendent, associate superintendent, or assistant superintendent, who has not obtained career teacher status and whose major responsibility is to teach or to supervise teaching.~~

(5a) [Expired.]

(5b) ~~"School administrator" means a principal, assistant principal, supervisor, or director whose major function includes the direct or indirect supervision of teaching or any other part of the instructional program as provided in G.S. 115C-287.1(a)(3).~~

(6) "Teacher" means a person who holds at least a current, not provisional or expired, Class A license or a regular, not provisional or expired, vocational license issued by the State Board of Education; whose major responsibility is to teach or directly supervises teaching or who is classified by the State Board of Education or is paid either as a classroom teacher or instructional support personnel; and who is employed to fill a full-time, permanent position.

(7) Redesignated.

(8) ~~"Year" for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full time permanent position in a school year. Workdays performed pending the outcome of a criminal history check as provided in G.S. 115C-332 are included in computing time as a probationary teacher.~~

(a1) This section shall apply only to career employees. No person who is employed as a teacher who did not acquire career status as a teacher by August 1, 2013, shall have career status.

(b) Personnel Files. – The superintendent shall maintain in his or her office a personnel file for each ~~teacher~~career employee that contains any complaint, commendation, or suggestion for correction or improvement about the ~~teacher's~~career employee's professional conduct, except that the superintendent may elect not to place in a ~~teacher's~~career employee's file (i) a letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion shall be signed by the person who makes it and shall be placed in the ~~teacher's~~career employee's file only after five days' notice to the ~~teacher~~employee. Any denial or explanation relating to such complaint, commendation, or suggestion that the ~~teacher~~career employee desires to make shall be placed in the file. Any ~~teacher~~career employee may petition the local board of education to remove any information from his or her personnel file that he or she deems invalid, irrelevant, or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

The personnel file shall be open for the ~~teacher's~~career employee's inspection at all reasonable times but shall be open to other persons only in accordance with such rules and regulations as the board adopts. Any preemployment data or other information obtained about a ~~teacher~~career employee before his or her employment by the board may be kept in a file separate from his or her personnel file and need not be made available to ~~him~~him or her. No data placed in the preemployment file may be introduced as evidence at a hearing on the

dismissal or demotion of a ~~teacher-career employee~~, except the data may be used to substantiate G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as grounds for dismissal or demotion.

(c) (1) through (3) Repealed.

(4) Leave of Absence. – A career ~~teacher-employee~~ who has been granted a leave of absence by a board shall maintain his or her career status if he or she returns to his or her teaching position at the end of the authorized leave.

(5), (6) Repealed.

(d) Career ~~Teachers and Career School Administrators~~. Employees.

(1) A career ~~teacher or career school administrator~~employee shall not be subjected to the requirement of annual appointment nor shall he or she be dismissed, demoted, or employed on a part-time basis without his or her consent except as provided in subsection ~~(e)~~. (e) of this section.

(2) a. ~~— The provisions of this subdivision do not apply to a person who is ineligible for career status as provided by G.S. 115C-325(e)(3).~~

b. Repealed by Session Laws 1997, c. 221, s. 13(a).

c. Subject to G.S. 115C-287.1, when a teacher has performed the duties of supervisor or principal for three consecutive years, the board, near the end of the third year, shall vote upon his or her employment for the next school year. The board shall give him or her written notice of that decision by June 1 of his or her third year of employment as a supervisor or principal. If a majority of the board votes to reemploy the teacher as a principal or supervisor, and it has notified him or her of that decision, it may not rescind that action but must proceed under the provisions of this section. If a majority of the board votes not to reemploy the teacher as a principal or supervisor, he or she shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal. A supervisor or principal who has not held that position for three years and whose contract will not be renewed for the next school year shall be notified by June 1 and shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal.

A year, for purposes of computing time as a probationary principal or supervisor, shall not be less than 145 workdays performed as a full-time, permanent principal or supervisor in a contract year.

~~A principal or supervisor who has obtained career status in that position in any North Carolina public school system may be required by the board of education in another school system to serve an additional three-year probationary period in that position before being eligible for career status. However, he may, at the option of the board of education, be granted career status immediately or after serving a probationary period of one or two additional years. A principal or supervisor with career status who resigns and within five years is reemployed by the same school system need not serve another probationary period in that position of more than two years and may, at the option of the board, be reemployed immediately as a career principal or supervisor or be given career status after only one year. In any event, if he is reemployed for a third consecutive year, he shall automatically become a career principal or supervisor.~~

(e) Grounds for Dismissal or Demotion of a Career Employee.

- (1) Grounds. – No career employee shall be dismissed or demoted or employed on a part-time basis except for one or more of the following:
- a. Inadequate performance.
 - b. Immorality.
 - c. Insubordination.
 - d. Neglect of duty.
 - e. Physical or mental incapacity.
 - f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.
 - g. Conviction of a felony or a crime involving moral turpitude.
 - h. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
 - i. Failure to fulfill the duties and responsibilities imposed upon teachers ~~or school administrators~~ by the General Statutes of this State.
 - j. Failure to comply with such reasonable requirements as the board may prescribe.
 - k. Any cause which constitutes grounds for the revocation of the career ~~teacher's~~ employee's teaching license or the career school administrator's administrator license.
 - l. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided that there is compliance with subdivision ~~(2)~~ (2) of this subsection.
 - m. Failure to maintain his or her license in a current status.
 - n. Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes.
 - o. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.
- (2) Reduction in Force. –
- a. A local board of education shall adopt a policy for implementing a reduction in force pursuant to sub-subdivision (e)(1)l. of this section that includes the following criteria:
 1. In determining which positions shall be subject to a reduction, a local board of education shall consider the following:
 - I. Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and position inefficiencies; (iii) opportunities for combined work functions; and (iv) decreased student or other demands for curriculum, programs, operations, or other services.
 - II. Organizational considerations, such as anticipated organizational needs of the local school administrative unit and program or school enrollment.
 2. In identifying which ~~teachers~~ career employees in similar positions shall be subject to a dismissal, demotion, or reduction to employment on a part-time basis under the

- 1 policy, a local school administrative unit shall consider work
2 performance and ~~teacher~~ evaluations.
- 3 b. Before recommending to a board the dismissal or demotion of the
4 career employee pursuant to G.S. 115C-325(e)(1)l., the
5 superintendent shall give written notice to the career employee by
6 certified mail or personal delivery of his or her intention to make
7 such recommendation and shall set forth as part of his or her
8 recommendation the grounds upon which he or she believes such
9 dismissal or demotion is justified. The notice shall include a
10 statement to the effect that if the career employee within 15 days
11 after receipt of the notice requests a review, he or she shall be
12 entitled to have the proposed recommendations of the superintendent
13 reviewed by the board. Within the 15-day period after receipt of the
14 notice, the career employee may file with the superintendent a
15 written request for a hearing before the board within 10 days. If the
16 career employee requests a hearing before the board, the hearing
17 procedures provided in G.S. 115C-325(j3) shall be followed. If no
18 request is made within the 15-day period, the superintendent may file
19 his or her recommendation with the board. If, after considering the
20 recommendation of the superintendent and the evidence adduced at
21 the hearing if there is one, the board concludes that the grounds for
22 the recommendation are true and substantiated by a preponderance of
23 the evidence, the board, if it sees fit, may by resolution order such
24 dismissal. Provisions of this section which permit a hearing by a
25 hearing officer shall not apply to a dismissal or demotion
26 recommended pursuant to G.S. 115C-325(e)(1)l.
- 27 When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l.,
28 above, his or her name shall be placed on a list of available career employees
29 to be maintained by the board.
- 30 (3) Inadequate Performance. – In determining whether the professional
31 performance of a career employee is adequate, consideration shall be given
32 to regular and special evaluation reports prepared in accordance with the
33 published policy of the employing local school administrative unit and to
34 any published standards of performance which shall have been adopted by
35 the board. Failure to notify a career employee of an inadequacy or deficiency
36 in performance shall be conclusive evidence of satisfactory performance.
37 Inadequate performance for a ~~teacher~~ career employee shall mean (i) the
38 failure to perform at a proficient level on any standard of the evaluation
39 instrument or (ii) otherwise performing in a manner that is below standard.
40 ~~However, for a probationary teacher, a performance rating below proficient~~
41 ~~may or may not be deemed adequate at that stage of development by a~~
42 ~~superintendent or designee.~~ For a career ~~teacher~~ employee, a performance
43 rating below proficient shall constitute inadequate performance unless the
44 principal noted on the instrument that the ~~teacher~~ career employee is making
45 adequate progress toward proficiency given the circumstances.
- 46 (4) Three-Year Limitation on Basis of Dismissal or Demotion. – Dismissal or
47 demotion under subdivision (1) above, except paragraphs g. and o. thereof,
48 shall not be based on conduct or actions which occurred more than three
49 years before the written notice of the superintendent's intention to
50 recommend dismissal or demotion is mailed to the career employee. The
51 three-year limitation shall not apply to dismissals or demotions pursuant to

- 1 subdivision (1)b. above when the charge of immorality is based upon a
2 career employee's sexual misconduct toward or sexual harassment of
3 students or staff.
- 4 (f) (1) Suspension without Pay. – If a superintendent believes that cause exists for
5 dismissing a career employee for any reason specified in
6 G.S. 115C-325(e)(1) and that immediate suspension of the career employee
7 is necessary, the superintendent may suspend the career employee without
8 pay. Before suspending a career employee without pay, the superintendent
9 shall meet with the career employee and give him or her written notice of the
10 charges against ~~him~~, him or her, an explanation of the bases for the charges,
11 and an opportunity to respond. Within five days after a suspension under this
12 paragraph, the superintendent shall initiate a dismissal, demotion, or
13 disciplinary suspension without pay as provided in this section. If it is finally
14 determined that no grounds for dismissal, demotion, or disciplinary
15 suspension without pay exist, the career employee shall be reinstated
16 immediately, shall be paid for the period of suspension, and all records of
17 the suspension shall be removed from the career employee's personnel file.
- 18 (2) Disciplinary Suspension Without Pay. – A career employee recommended
19 for disciplinary suspension without pay ~~pursuant to G.S. 115C-325(a)(4a)~~
20 may request a hearing before the board. If no request is made within 15 days,
21 the superintendent may file his or her recommendation with the board. If,
22 after considering the recommendation of the superintendent and the evidence
23 adduced at the hearing if one is held, the board concludes that the grounds
24 for the recommendation are true and substantiated by a preponderance of the
25 evidence, the board, if it sees fit, may by resolution order such suspension.
- 26 a. Board hearing for disciplinary suspensions for more than 10 days or
27 for certain types of intentional misconduct. – The procedures for a
28 board hearing under G.S. 115C-325(j3) shall apply if any of the
29 following circumstances exist:
- 30 1. The recommended disciplinary suspension without pay is for
31 more than 10 days; or
- 32 2. The disciplinary suspension is for intentional misconduct,
33 such as inappropriate sexual or physical conduct, immorality,
34 insubordination, habitual or excessive alcohol or nonmedical
35 use of a controlled substance as defined in Article 5 of
36 Chapter 90 of the General Statutes, any cause that constitutes
37 grounds for the revocation of the ~~teacher's or school~~
38 ~~administrator's~~ career employee's license, or providing false
39 information.
- 40 b. Board hearing for disciplinary suspensions of no more ~~than~~ 10
41 days. – The procedures for a board hearing under G.S. 115C-325(j2)
42 shall apply to all disciplinary suspensions of no more than 10 days
43 that are not for intentional misconduct as specified in
44 ~~G.S. 115C-325(f)(2)a.2-sub-sub-subdivision a.2.~~ of this subdivision.
- 45 (f1) Suspension with Pay. – If a superintendent believes that cause may exist for
46 dismissing or demoting a career employee for any reasons specified in G.S. 115C-325(e)(1),
47 but that additional investigation of the facts is necessary and circumstances are such that the
48 career employee should be removed immediately from his or her duties, the superintendent may
49 suspend the career employee with pay for a reasonable period of time, not to exceed 90 days.
50 The superintendent shall notify the board of education within two days of his or her action and
51 shall notify the career employee within two days of the action and the reasons for it. If the

1 superintendent has not initiated dismissal or demotion proceedings against the career employee
2 within the 90-day period, the career employee shall be reinstated to his or her duties
3 immediately and all records of the suspension with pay shall be removed from the career
4 employee's personnel file at his or her request. However, if the superintendent and the
5 employee agree to extend the 90-day period, the superintendent may initiate dismissal or
6 demotion proceedings against the career employee at any time during the period of the
7 extension.

8 ~~(f2) Procedure for Demotion of Career School Administrator. If a superintendent~~
9 ~~intends to recommend the demotion of a career school administrator, the superintendent shall~~
10 ~~give written notice to the career school administrator by certified mail or personal delivery and~~
11 ~~shall include in the notice the grounds upon which the superintendent believes the demotion is~~
12 ~~justified. The notice shall include a statement that if the career school administrator requests a~~
13 ~~hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the~~
14 ~~grounds for the proposed demotion reviewed by the local board of education. If the career~~
15 ~~school administrator does not request a board hearing within 15 days, the superintendent may~~
16 ~~file the recommendation of demotion with the board. If, after considering the superintendent's~~
17 ~~recommendation and the evidence presented at the hearing if one is held, the board concludes~~
18 ~~that the grounds for the recommendation are true and substantiated by a preponderance of the~~
19 ~~evidence, the board may by resolution order the demotion. The procedures for a board hearing~~
20 ~~under G.S. 115C-325(j3) shall apply to all demotions of career school administrators.~~

21 (g) Repealed by Session Laws 1997, c. 221, s. 13(a).

22 (h) Procedure for Dismissal or Demotion of Career Employee.

23 (1) ~~a.~~ A career employee may not be dismissed, demoted, or reduced to
24 part-time employment except upon the superintendent's
25 recommendation.

26 ~~b. G.S. 115C-325(f2) shall apply to the demotion of a career school~~
27 ~~administrator.~~

28 (2) Before recommending to a board the dismissal or demotion of the career
29 employee, the superintendent shall give written notice to the career
30 employee by certified mail or personal delivery of his or her intention to
31 make such recommendation and shall set forth as part of his or her
32 recommendation the grounds upon which he or she believes such dismissal
33 or demotion is justified. The superintendent also shall meet with the career
34 employee and provide written notice of the charges against the career
35 employee, an explanation of the basis for the charges, and an opportunity to
36 respond if the career employee has not done so under G.S. 115C-325(f)(1).
37 The notice shall include a statement to the effect that if the career employee
38 within 14 days after the date of receipt of the notice requests a review, he or
39 she may request to have the grounds for the proposed recommendations of
40 the superintendent reviewed by an impartial hearing officer appointed by the
41 Superintendent of Public Instruction as provided for in G.S. 115C-325(h)(7).
42 A copy of G.S. 115C-325 shall also be sent to the career employee. If the
43 career employee does not request a hearing before a hearing officer within
44 the 14 days provided, the superintendent may submit his or her
45 recommendation to the board.

46 (3) Within the 14-day period after receipt of the notice, the career employee
47 may file with the superintendent a written request for either (i) a hearing on
48 the grounds for the superintendent's proposed recommendation by a hearing
49 officer or (ii) a hearing within 10 days before the board on the
50 superintendent's recommendation. If the career employee requests an
51 immediate hearing before the board, he or she forfeits his or her right to a

hearing by a hearing officer. If no request is made within that period, the superintendent may file his or her recommendation with the board. The board, if it sees fit, may by resolution (i) reject the superintendent's recommendation or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or suspend the career employee without pay. If a request for review is made, the superintendent shall not file the recommendation for dismissal with the board until a report of the hearing officer is filed with the superintendent. Failure of the hearing officer to submit the report as required by G.S. 115C-325(i1)(1) shall entitle the career employee to a hearing before the board under the same procedures as provided in G.S.115C-325(j).

(4) Repealed by Session Laws 1997, c. 221, s. 13(a).

(5) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and applicable to persons recommended for dismissal or demotion on or after that date.

(6) If a career employee requests a review by a hearing officer, the superintendent shall notify the Superintendent of Public Instruction within five days of his or her receipt of the request.

(7) Within five days of being notified of the request for a hearing before a hearing officer, the Superintendent of Public Instruction shall submit to both parties a list of hearing officers trained and approved by the State Board of Education. Within five days of receiving the list, the parties may jointly select a hearing officer from that list, or, if the parties cannot agree to a hearing officer, each party may strike up to one-third of the names on the list and submit its strikeout list to the Superintendent of Public Instruction. The Superintendent of Public Instruction shall then appoint a hearing officer from those individuals remaining on the list. Further, the parties may jointly agree on another hearing officer not on the State Board of Education's list, provided that individual is available to proceed in a timely manner and is willing to accept the terms of appointment required by the State Board of Education. No person eliminated by the career employee or superintendent shall be designated as the hearing officer for that case.

(8) The superintendent and career employee shall serve a copy to the other party of all documents submitted to the Superintendent of Public Instruction and to the designated hearing officer and include a signed certificate of service similar to that required in court pleadings.

...

(j3) Board Hearing for Certain Disciplinary ~~Suspensions, Suspensions~~ Demotions of ~~Career School Administrators~~, and for Reductions in Force. – The following procedures shall apply for a board hearing under ~~G.S. 115C-325(e)(2), G.S. 115C-325(f2), G.S. 115C-325(e)(2)~~ and G.S. 115C-325(f)(2)a:

(1) The hearing shall be private.

(2) The hearing shall be conducted in accordance with reasonable rules adopted by the State Board of Education to govern such hearings.

(3) At the hearing, the career employee and the superintendent shall have the right to be present and to be heard, to be represented by counsel, and to present through witnesses any competent testimony relevant to the issue of whether grounds exist for a disciplinary suspension without pay under ~~G.S. 115C-325(f)(2)a., a demotion of a career school administrator under G.S. 115C-325(f2), G.S. 115C-325(f)(2)a.~~ or whether the grounds for a dismissal or demotion due to a reduction in force is justified.

- 1 (4) Rules of evidence shall not apply to a hearing under this subsection and the
2 board may give probative effect to evidence that is of a kind commonly
3 relied on by reasonably prudent persons in the conduct of serious affairs.
- 4 (5) At least eight days before the hearing, the superintendent shall provide to the
5 career employee a list of witnesses the superintendent intends to present, a
6 brief statement of the nature of the testimony of each witness, and a copy of
7 any documentary evidence the superintendent intends to present.
- 8 (6) At least six days before the hearing, the career employee shall provide the
9 superintendent a list of witnesses the career employee intends to present, a
10 brief statement of the nature of the testimony of each witness, and a copy of
11 any documentary evidence the career employee intends to present.
- 12 (7) No new evidence may be presented at the hearing except upon a finding by
13 the board that the new evidence is critical to the matter at issue and the party
14 making the request could not, with reasonable diligence, have discovered
15 and produced the evidence according to the schedule provided in this
16 subsection.
- 17 (8) The board may subpoena and swear witnesses and may require them to give
18 testimony and to produce records and documents relevant to the grounds for
19 suspension without pay.
- 20 (9) The board shall decide all procedural issues, including limiting cumulative
21 evidence, necessary for a fair and efficient hearing.
- 22 (10) The superintendent shall provide for making a transcript of the hearing. If
23 the career employee contemplates an appeal of the board's decision to a court
24 of law, the career employee may request and shall receive at no charge a
25 transcript of the proceedings.
- 26 (k), (l) Repealed by Session Laws 1997, c. 221, s. 13(a).
27 (m) Probationary Teacher.
- 28 (1) ~~The board of any local school administrative unit may not discharge a~~
29 ~~probationary teacher during the school year except for the reasons for and by~~
30 ~~the procedures by which a career employee may be dismissed as set forth in~~
31 ~~subsections (e), (f), (f1), and (h) to (j3) above.~~
- 32 (2) ~~The board, upon recommendation of the superintendent, may refuse to renew~~
33 ~~the contract of any probationary teacher or to reemploy any teacher who is~~
34 ~~not under contract for any cause it deems sufficient: Provided, however, that~~
35 ~~the cause may not be arbitrary, capricious, discriminatory or for personal or~~
36 ~~political reasons.~~
- 37 (3) ~~The superintendent shall provide written notice to a probationary teacher no~~
38 ~~later than May 15 of the superintendent's intent to recommend nonrenewal~~
39 ~~and the teacher's right, within 10 days of receipt of the superintendent's~~
40 ~~recommendation, to (i) request and receive written notice of the reasons for~~
41 ~~the superintendent's recommendation for nonrenewal and the information~~
42 ~~that the superintendent may share with the board to support the~~
43 ~~recommendation for nonrenewal; and (ii) request a hearing for those teachers~~
44 ~~eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely~~
45 ~~request within the 10 days shall result in a waiver of the right to this~~
46 ~~information and any right to a hearing. If a teacher files a timely request, the~~
47 ~~superintendent shall provide the requested information and arrange for a~~
48 ~~hearing, if allowed, and the teacher shall be permitted to submit~~
49 ~~supplemental information to the superintendent and board prior to the board~~
50 ~~making a decision or holding a hearing as provided in this section. The board~~
51 ~~shall adopt a policy to provide for the orderly exchange of information prior~~

- 1 to the board's decision on the superintendent's recommendation for
2 nonrenewal.
- 3 (4) ~~If the probationary teacher is eligible for career status pursuant to G.S.~~
4 ~~115C-325(e)(1) and (e)(2) and the superintendent recommends not to give~~
5 ~~the probationary teacher career status, the probationary teacher has the right~~
6 ~~to a hearing before the board unless the reason is a justifiable board or~~
7 ~~superintendent approved decrease in the number of positions due to district~~
8 ~~reorganization, decreased enrollment, or decreased funding.~~
- 9 (5) ~~For probationary contracts that are not in the final year before the~~
10 ~~probationary teacher is eligible for career status, the probationary teacher~~
11 ~~shall have the right to petition the local board of education for a hearing, and~~
12 ~~the local board may grant a hearing regarding the superintendent's~~
13 ~~recommendation for nonrenewal. The local board of education shall notify~~
14 ~~the probationary teacher making the petition of its decision whether to grant~~
15 ~~a hearing.~~
- 16 (6) ~~Any hearing held according to this subsection shall be pursuant to the~~
17 ~~provisions of G.S. 115C-45(e).~~
- 18 (7) ~~The board shall notify a probationary teacher whose contract will not be~~
19 ~~renewed for the next school year of its decision by June 15; provided,~~
20 ~~however, if a teacher submits a request for information or a hearing, the~~
21 ~~board shall provide the nonrenewal notification by July 1 or such later date~~
22 ~~upon the written consent of the superintendent and teacher.~~
- 23 (n) Appeal. – Any career employee who has been dismissed or demoted under G.S.
24 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without pay under
25 ~~G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in accordance~~
26 ~~with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed under G.S.~~
27 ~~115C-325(m)(2).~~ G.S. 115C-325(f)(2) shall have the right to appeal from the decision of the
28 board to the superior court for the superior court district or set of districts as defined in G.S.
29 7A-41.1 in which the career employee is ~~employed.~~employed on one or more of the following
30 grounds that the decision:
- 31 (1) Is in violation of constitutional provisions.
32 (2) Is in excess of the statutory authority or jurisdiction of the board.
33 (3) Was made upon unlawful procedure.
34 (4) Is affected by other error of law.
35 (5) Is unsupported by substantial evidence in view of the entire record as
36 submitted.
37 (6) Is arbitrary or capricious.
- 38 This appeal shall be filed within a period of 30 days after notification of the decision
39 of the board. The cost of preparing the transcript shall be determined under G.S.
40 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee who has been demoted or
41 ~~dismissed, or a school administrator whose contract is not renewed,~~ dismissed who has not
42 requested a hearing before the board of education pursuant to this section shall not be entitled
43 to judicial review of the board's action.
- 44 (o) Resignation. –
- 45 (1) If a career employee has been recommended for dismissal under
46 G.S. 115C-325(e)(1) and the employee chooses to resign without the written
47 agreement of the superintendent, then:
- 48 a. The superintendent shall report the matter to the State Board of
49 Education.
- 50 b. The career employee shall be deemed to have consented to (i) the
51 placement in the employee's personnel file of the written notice of

the superintendent's intention to recommend dismissal and (ii) the release of the fact that the superintendent has reported this employee to the State Board of Education to prospective employers, upon request. The provisions of G.S. 115C-321 shall not apply to the release of this particular information.

- c. The career employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education in a determination whether or not to seek action against the employee's license. This license surrender shall not exceed 45 days from the date of resignation. Provided further that the cessation of the license surrender shall not prevent the State Board of Education from taking any further action it deems appropriate. The State Board of Education shall initiate investigation within five working days of the written notice from the superintendent and shall make a final decision as to whether to revoke or suspend the career employee's license within 45 days from the date of resignation.

- (2) A ~~teacher, career or probationary, career~~ employee who is not recommended for dismissal should not resign without the consent of the superintendent unless he or she has given at least 30 days' notice. If a ~~teacher, career~~ employee who is not recommended for dismissal does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the ~~teacher's~~ career employee's license for the remainder of that school year. A copy of the request shall be placed in the ~~teacher's~~ career employee's personnel file.

(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all ~~persons~~ career employees employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human Services and Public Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety regardless of the age of the students.

(p1) ~~Procedure for Dismissal of School Administrators and Teachers~~ Career Employees Employed in Low-Performing Residential Schools. –

- (1) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of ~~teachers, principals, assistant principals, directors, supervisors, and other licensed personnel~~ career employees assigned to a residential school that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Part 3A of Article 3 of Chapter 143B of the General Statutes. The Secretary shall dismiss a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee when the Secretary receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the ~~teacher or school administrator~~ career employee.

The Secretary may dismiss a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee when:

- a. The Secretary determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under Part 3A of Article 3 of Chapter 143B of the General Statutes; and

b. That assistance team makes the recommendation to dismiss the ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

Within 30 days of any dismissal under this subdivision, a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee may request a hearing before a panel of three members designated by the Secretary. The Secretary shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of licensed ~~staff members~~ career employees who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed ~~staff member~~ career employee.

Within 30 days of any dismissal under this subdivision, a licensed ~~staff member~~ career employee may request a hearing before a panel of three members designated by the Secretary of Health and Human Services. The Secretary shall adopt procedures to ensure that due process rights are afforded to licensed ~~staff members~~ career employees recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

(3) ~~The Secretary of Health and Human Services or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent the Secretary from refusing to renew the contract of any person employed in a school identified as low-performing under Part 3A of Article 3 of Chapter 143B of the General Statutes.~~

(4) ~~Neither party to a school administrator contract is entitled to damages under this subsection.~~

(5) The Secretary of Health and Human Services shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection.

(q) Procedure for Dismissal of ~~School Administrators and Teachers~~ Career Employees Employed in Low-Performing Schools. –

(1) ~~Notwithstanding any other provision of this section or any other law, this subdivision governs the State Board's dismissal of principals assigned to low-performing schools to which the Board has assigned an assistance team:~~

a. ~~The State Board through its designee may, at any time, recommend the dismissal of any principal who is assigned to a low performing school to which an assistance team has been assigned. The State Board through its designee shall recommend the dismissal of any principal when the Board receives from the assistance team assigned to that principal's school two consecutive evaluations that include~~

- 1 written findings and recommendations regarding the principal's
2 inadequate performance.
- 3 b. ~~If the State Board through its designee recommends the dismissal of~~
4 ~~a principal under this subdivision, the principal shall be suspended~~
5 ~~with pay pending a hearing before a panel of three members of the~~
6 ~~State Board. The purpose of this hearing, which shall be held within~~
7 ~~60 days after the principal is suspended, is to determine whether the~~
8 ~~principal shall be dismissed.~~
- 9 e. ~~The panel shall order the dismissal of the principal if it determines~~
10 ~~from available information, including the findings of the assistance~~
11 ~~team, that the low performance of the school is due to the principal's~~
12 ~~inadequate performance.~~
- 13 d. ~~The panel may order the dismissal of the principal if (i) it determines~~
14 ~~that the school has not made satisfactory improvement after the State~~
15 ~~Board assigned an assistance team to that school; and (ii) the~~
16 ~~assistance team makes the recommendation to dismiss the principal~~
17 ~~for one or more grounds established in G.S. 115C-325(e)(1) for~~
18 ~~dismissal or demotion of a career employee.~~
- 19 e. ~~If the State Board or its designee recommends the dismissal of a~~
20 ~~principal before the assistance team assigned to the principal's school~~
21 ~~has evaluated that principal, the panel may order the dismissal of the~~
22 ~~principal if the panel determines from other available information~~
23 ~~that the low performance of the school is due to the principal's~~
24 ~~inadequate performance.~~
- 25 f. ~~In all hearings under this subdivision, the burden of proof is on the~~
26 ~~principal to establish that the factors leading to the school's low~~
27 ~~performance were not due to the principal's inadequate performance.~~
28 ~~In all hearings under sub-subdivision d. of this subdivision, the~~
29 ~~burden of proof is on the State Board to establish that the school~~
30 ~~failed to make satisfactory improvement after an assistance team was~~
31 ~~assigned to the school and to establish one or more of the grounds~~
32 ~~established for dismissal or demotion of a career employee under~~
33 ~~G.S. 115C-325(e)(1).~~
- 34 g. ~~In all hearings under this subdivision, two consecutive evaluations~~
35 ~~that include written findings and recommendations regarding that~~
36 ~~person's inadequate performance from the assistance team are~~
37 ~~substantial evidence of the inadequate performance of the principal.~~
- 38 h. ~~The State Board shall adopt procedures to ensure that due process~~
39 ~~rights are afforded to principals under this subdivision. Decisions of~~
40 ~~the panel may be appealed on the record to the State Board, with~~
41 ~~further right of judicial review under Chapter 150B of the General~~
42 ~~Statutes.~~
- 43 (2) Notwithstanding any other provision of this section or any other law, this
44 subdivision shall govern the State Board's dismissal of teachers, assistant
45 principals, directors, and supervisorscareer employees assigned to schools
46 that the State Board has identified as low-performing and to which the State
47 Board has assigned an assistance team under Article 8B of this Chapter. The
48 State Board shall dismiss a teacher, assistant principal, director, or
49 supervisorcareer employee when the State Board receives two consecutive
50 evaluations that include written findings and recommendations regarding
51 that person's inadequate performance from the assistance team. These

findings and recommendations shall be substantial evidence of the inadequate performance of the ~~teacher or school administrator~~ career employee.

The State Board may dismiss a ~~teacher, assistant principal, director, or supervisor~~ career employee when:

- a. The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.38; and
- b. That assistance team makes the recommendation to dismiss the ~~teacher, assistant principal, director, or supervisor~~ career employee for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career ~~teacher~~ employee.

A ~~teacher, assistant principal, director, or supervisor~~ career employee may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

- (2a) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of licensed ~~staff members~~ career employees who have engaged in a remediation plan under G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed ~~staff member~~ career employee.

A licensed ~~staff member~~ career employee may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to licensed ~~staff members~~ career employees recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

- (3) ~~The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school identified as low performing under G.S. 115C-105.37.~~

- (4) ~~Neither party to a school administrator contract is entitled to damages under this subsection.~~

- (5) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection."

SECTION 2.(c) G.S. 115C-218.90(a)(3) reads as rewritten:

- "(3) If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at a charter school, the local school administrative unit shall grant the leave for one year. For the initial year of a charter 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 a charter 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

1 teacher would otherwise have to report for duty. A local board of education
2 is not required to grant a request for a leave of absence or a request to extend
3 or renew a leave of absence for a teacher who previously has received a
4 leave of absence from that school board under this subdivision. A teacher
5 who has received a leave of absence to teach at a charter school may return
6 to a public school in the local school administrative unit at the end of the
7 leave of absence or upon the end of employment at the charter school if an
8 appropriate position is available. ~~Alf a teacher-who~~ has career status under
9 G.S. 115C-325 prior to receiving a leave of absence to teach at a charter
10 ~~school~~school, the teacher may return to a public school in the local school
11 administrative unit with career status at the end of the leave of absence or
12 upon the end of employment at the charter school if an appropriate position
13 is available. If an appropriate position is unavailable, the teacher's name
14 shall be placed on a list of available teachers ~~and that teacher shall have~~
15 ~~priority on all positions for which that teacher is qualified~~ in accordance with
16 G.S. 115C-325(e)(2)."

17 **SECTION 2.(d)** G.S. 115C-238.68(3) reads as rewritten:

18 "(3) Leave of absence from local school administrative unit. – If a teacher
19 employed by a local school administrative unit makes a written request for a
20 leave of absence to teach at the regional school, the local school
21 administrative unit shall grant the leave for one year. For the initial year of
22 the regional school's operation, the local school administrative unit may
23 require that the request for a leave of absence be made up to 45 days before
24 the teacher would otherwise have to report for duty. After the initial year of
25 the regional school's operation, the local school administrative unit may
26 require that the request for a leave of absence be made up to 90 days before
27 the teacher would otherwise have to report for duty. A local board of
28 education is not required to grant a request for a leave of absence or a
29 request to extend or renew a leave of absence for a teacher who previously
30 has received a leave of absence from that school board under this
31 subdivision. A teacher who has received a leave of absence to teach at a
32 regional school may return to a public school in the local school
33 administrative unit at the end of the leave of absence or upon the end of
34 employment at the regional school if an appropriate position is available. ~~Alf~~
35 ~~a teacher-who~~ has career status under G.S. 115C-325 prior to receiving a
36 leave of absence to teach at the regional ~~school~~school, the teacher may
37 return to a public school in the local school administrative unit with career
38 status at the end of the leave of absence or upon the end of employment at
39 the regional school if an appropriate position is available. If an appropriate
40 position is unavailable, the teacher's name shall be placed on a list of
41 available teachers in accordance with G.S. 115C-325(e)(2)."

42 **SECTION 2.(e)** G.S. 115C-287.1 reads as rewritten:

43 **"§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**
44 **and directors.**

45 ...

46 (f1) If, prior to appointment as a school administrator, the school administrator held
47 career status as a teacher in the local school administrative unit in which he or she is employed
48 as a school administrator, a school administrator shall retain career status as a teacher if the
49 school administrator is not offered a new, renewed, or extended contract by the local board of
50 education, unless the school administrator voluntarily relinquished career status or is dismissed
51 or demoted pursuant to G.S. 115C-325.

(h) An individual who holds a provisional assistant principal's license and who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school administrator for purposes of this section. Notwithstanding subsection (b) of this section, a local board may enter into one-year contracts with a school administrator who holds a provisional assistant principal's license. If the school administrator held career status as a teacher in the local school administrative unit prior to being employed as an assistant principal and the State Board of Education for any reason does not extend the school administrator's provisional assistant principal's license, the school administrator shall retain career status as a teacher unless the school administrator voluntarily relinquished career status or is dismissed or demoted pursuant to G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be construed to require a local board to extend or renew the contract of a school administrator who holds a provisional assistant principal's license."

SECTION 2.(f) G.S. 115C-296(b)(1)a.1. reads as rewritten:

"1. Continuing licensure of a teacher as defined in ~~G.S. 115C-325(6)~~ G.S. 115C-325(6), or a teacher as defined in G.S. 115C-325.1(6), who has (i) 30 or more years of teaching experience in North Carolina upon the date of retirement of the teacher and (ii) served as a substitute teacher at least once every three years since retirement."

SECTION 2.(g) G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter. In addition, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 2003-2004 school year for any school year thereafter. In addition, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 2014-2015 school year for any school year thereafter.

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

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or G.S. 115C-325.4 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. The request shall be filed in the local school administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the

1 local school administrative unit. Teachers employed for a period of less than 10 months shall
2 not receive their salaries in 12 installments.

3 Notwithstanding this subsection, the term "daily rate of pay" for the purpose of G.S.
4 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary
5 schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

6 **SECTION 2.(h)** G.S. 115C-325.1 reads as rewritten:

7 **"§ 115C-325.1. Definitions.**

8 As Except as otherwise provided in G.S. 115C-325, as used in this Part, the following
9 definitions apply:

10"

11 **SECTION 2.(i)** G.S. 115C-404(b) reads as rewritten:

12 "(b) Documents received under this section shall be used only to protect the safety of or
13 to improve the education opportunities for the student or others. Information gained in
14 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
15 student. Upon receipt of each document, the principal shall share the document with those
16 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
17 and (ii) a specific need to know in order to protect the safety of the student or others. Those
18 individuals shall indicate in writing that they have read the document and that they agree to
19 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
20 required by this section is grounds for the dismissal of an employee who is not employed on
21 contract, grounds for dismissal of an employee on contract in accordance with G.S.
22 115C-325.4(a)(9), and grounds for dismissal of an employee who is a career ~~teacher~~ employee
23 in accordance with G.S. 115C-325(e)(1)i."

24 **SECTION 2.(j)** G.S. 116-239.10(4) reads as rewritten:

25 "(4) Leave of absence from local school administrative unit. – If a teacher
26 employed by a local school administrative unit makes a written request for a
27 leave of absence to teach at the lab school, the local school administrative
28 unit shall grant the leave for one year. For the initial year of the lab school's
29 operation, the local school administrative unit may require that the request
30 for a leave of absence be made up to 45 days before the teacher would
31 otherwise have to report for duty. After the initial year of the lab school's
32 operation, the local school administrative unit may require that the request
33 for a leave of absence be made up to 90 days before the teacher would
34 otherwise have to report for duty. A local board of education is not required
35 to grant a request for a leave of absence or a request to extend or renew a
36 leave of absence for a teacher who previously has received a leave of
37 absence from that local board under this subdivision. A teacher who has
38 received a leave of absence to teach at a lab school may return to a public
39 school in the local school administrative unit at the end of the leave of
40 absence or upon the end of employment at the lab school if an appropriate
41 position is available. ~~If a teacher—~~who has career status under
42 G.S. 115C-325 prior to receiving a leave of absence to teach at the lab
43 school, the teacher may return to a public school in the local school
44 administrative unit with career status at the end of the leave of absence or
45 upon the end of employment at the lab school if an appropriate position is
46 available. If an appropriate position is unavailable, the teacher's name shall
47 be placed on a list of available teachers in accordance with
48 G.S. 115C-325(e)(2)."

49 **SECTION 2.(k)** G.S. 143B-146.8(b) reads as rewritten:

50 "(b) Action Plans. – If a licensed employee in a participating school that has been
51 identified as low-performing receives an unsatisfactory or below standard rating on any

function of the evaluation that is related to the employee's instructional duties, the individual or team that conducted the evaluation shall recommend to the principal that: (i) the employee receive an action plan designed to improve the employee's performance; or (ii) the principal recommend that the employee who is a career ~~teacher~~employee be dismissed or demoted as provided in G.S. 115C-325 or the employee who is a teacher on contract not be recommended for renewal; or (iii) if the employee who is a teacher on contract engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment that a proceeding for immediate dismissal or demotion under G.S. 115C-325.4 be instituted. The principal shall determine whether to develop an action plan, to not recommend renewal of the employee's contract, or to recommend a dismissal proceeding. The person who evaluated the employee or the employee's supervisor shall develop the action plan unless an assistance team or assessment team conducted the evaluation. If an assistance team or assessment team conducted the evaluation, that team shall develop the action plan in collaboration with the employee's supervisor. Action plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The State Board shall develop guidelines that include strategies to assist in evaluating licensed personnel and developing effective action plans within the time allotted under this section. The State Board may adopt policies for the development and implementation of action plans or professional development plans for personnel who do not require action plans under this section."

SECTION 2.(l) Section 9.6(i) of S.L. 2013-360 is repealed.

SECTION 2.(m) Section 9.6(j) of S.L. 2013-360 reads as rewritten:

"**SECTION 9.6.(j)** Subsection (b) of this section becomes effective July 1, 2014. G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers on ~~one or one-, two-, or four-year~~ contracts beginning July 1, 2014. ~~G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers employed by local boards of education or the State on or after July 1, 2018."~~

SECTION 2.(n) Sections 9.7(o) through 9.7(t) of S.L. 2013-360 and Sections 9.7(v) through 9.7(x) of S.L. 2013-360 are repealed.

SECTION 2.(o) Section 9.7(y) of S.L. 2013-360 reads as rewritten:

"**SECTION 9.7.(y)** Subsection (u) of this section becomes effective August 1, 2013. Subsections (a) through (n) of this section become effective July 1, 2014. ~~Subsections (o) through (t) and (v) through (x) become effective June 30, 2018."~~

SECTION 2.(p) Section 8.38(c) of S.L. 2015-241 is repealed.

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

PART III: AUTHORIZE ASSISTANT PRINCIPALS AT CERTAIN SCHOOLS TO CONDUCT EVALUATIONS FOR BEGINNING TEACHERS

SECTION 3.(a) G.S. 115C-333(a) reads as rewritten:

"(a) Annual Evaluations; Low-Performing Schools. – Local school administrative units shall evaluate at least once each year all licensed employees assigned to a school that has been identified as low-performing. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of a mandatory improvement plan if one is recommended under subsection (b) of this section. If the employee is a teacher with career status as defined under G.S. 115C-325(a)(6), or a teacher as defined under G.S. 115C-325.1(6), either the principal, the assistant principal who supervises the teacher, or an assistance team assigned under G.S. 115C-105.38 shall conduct the evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct the evaluation.

All teachers in low-performing schools who have been employed for less than three consecutive years shall be observed at least three times annually by the principal or the

principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. For high schools with at least 1500 students, the annual evaluation may be conducted by an assistant principal, provided that at least one evaluation in such a teacher's first three years of employment is conducted by a principal. All teachers in low-performing schools who have been licensed as a teacher for less than two years shall be observed at least three times annually by the principal or the principal's designee, at least once annually by a teacher, and at least once annually by a principal, and at least two of those observations shall be conducted in the first semester of the school year, and if practicable, at least one of those observations shall be conducted within the first grading period of the school year. This section shall not be construed to limit the duties and authority of an assistance team assigned to a low-performing school under G.S. 115C-105.38.

A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board."

SECTION 3.(b) G.S. 115C-333.1(a) reads as rewritten:

"(a) Annual Evaluations. – All teachers who are assigned to schools that are not designated as low-performing and who have not been employed for at least three consecutive years shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. For high schools with at least 1500 students, the annual evaluation may be conducted by an assistant principal, provided that at least one evaluation in such a teacher's first three years of employment is conducted by a principal. All teachers who are assigned to schools that are not designated as low-performing and who have been licensed as a teacher for less than two years shall be observed at least three times annually by the principal or the principal's designee, at least once annually by a teacher, and at least once annually by a principal, and at least two of those observations shall be conducted in the first semester of the school year, and if practicable, at least one of those observations shall be conducted within the first grading period of the school year. All teachers with career status or on a four-year contract who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow teachers with career status or on a four-year contract to be evaluated more or less frequently, provided that such rules are not inconsistent with State or federal requirements. Local boards also may adopt rules requiring the annual evaluation of nonlicensed employees. A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board."

SECTION 3.(c) This section is effective when it becomes law, and applies beginning with the 2017-2018 school year.

PART IV: SUPERINTENDENT STUDY STUDENT HEALTH ISSUES

SECTION 4.(a) The Superintendent of Public Instruction shall convene a Work Group to study effective and positive intervention measures or policy changes to address risky behaviors and encourage student health and mental health. The Work Group shall consist of personnel from within the Department of Public Instruction with expertise in student health issues, including mental health, as well as personnel from the Department of Health and Human Services, Division of Public Health. The Superintendent may also appoint representatives from various public and private stakeholder groups as well as representatives from local school administrative units and charter schools. The Superintendent shall report on the Work Group's findings and recommendations to the State Board of Education and the Joint Legislative Education Oversight Committee by April 1, 2018.

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

PART V: STATE BOARD OF EDUCATION INTERAGENCY ADVISORY COMMITTEE AND SCHOOL-BASED MENTAL HEALTH INITIATIVE DELAY IMPLEMENTATION

SECTION 5.(a) The State Board of Education shall not adopt or implement any policies or recommendations from the Interagency Advisory Committee established by the State Board of Education in Policy ADVS-009 until October 1, 2018.

SECTION 5.(b) The State Board of Education shall change the timelines for the development and implementation of plans and training required by Policy SHLT-003 regarding school-based student mental health initiatives as follows for local school administrative units: (i) development of the plans to assess mental health and substance use needs shall occur during the 2018-2019 school year; (ii) the implementation plan and three-year review cycle shall commence in the 2019-2020 school year; and (iii) school mental health training will be provided by the Department of Public Instruction to the local school administrative units during the 2019-2020 school year. The State Board of Education shall change the timelines for the development and implementation of plans and training required by Policy SHLT-003 regarding school-based student mental health initiatives as follows for charter schools: (i) development of the plans to assess mental health and substance use needs shall occur during the 2019-2020 school year; (ii) the implementation plan and three-year review cycle shall commence in the 2020-2021 school year; and (iii) school mental health training will be provided by the Department of Public Instruction to charter schools during the 2020-2021 school year.

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

PART VI: STUDY/EXPAND COMPUTER SCIENCE TO ALL STUDENTS

SECTION 6.(a) The Superintendent of Public Instruction and the Department of Public Instruction, in collaboration with the Friday Institute for Educational Innovation at North Carolina State University (Friday Institute) and the North Carolina School of Science and Mathematics (NC School of Science and Math), shall develop recommendations to further the teaching and student learning of computational thinking and computer science in North Carolina K-12 schools. In developing recommendations, the Superintendent and the Department, in collaboration with the Friday Institute and the NC School of Science and Math, shall do at least the following:

- (1) Develop curriculum guidelines that are aligned with K-12 Computer Science Framework (October 2016) developed by the CSforAll Consortium.
- (2) Develop recommendations to increase the number of teachers prepared to teach computational thinking and computer science, addressing both preservice educator preparation for teachers and professional development for in-service teachers.
- (3) Develop policy recommendations.
- (4) Align recommendations with the ongoing implementation of the Digital Learning Plan in North Carolina by the Department and the Friday Institute.

SECTION 6.(b) By January 15, 2018, the Superintendent of Public Instruction shall report to the Joint Legislative Education Oversight Committee on the recommendations, including any proposed legislation, developed in accordance with this act.

SECTION 6.(c) This section is effective when it becomes law.

PART VII: EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 155
Committee Substitute Favorable 3/21/17

Short Title: Modify Educator Licensure Requirements.

(Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND ACTIVITIES QUALIFYING FOR CONTINUING LICENSURE OF
3 RETIRED TEACHERS, EXEMPT MEMBERS OF THE GENERAL ASSEMBLY FROM
4 CONTINUING EDUCATION REQUIREMENTS FOR TEACHERS, AND ALLOW
5 SCHOOL BOARDS TO HIRE RETIRED PRINCIPALS AND ASSISTANT
6 PRINCIPALS TO SERVE AS INTERIM PRINCIPALS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 115C-296(b)(1) reads as rewritten:

9 "(1) Licensure standards.

10 a. The licensure program shall provide for initial licensure after
11 completion of preservice training, continuing licensure after three
12 years of teaching experience, and license renewal every five years
13 thereafter, until the retirement of the teacher. The last license renewal
14 received prior to retirement shall remain in effect for five years after
15 retirement. The licensure program shall also provide for licensure
16 based on teaching experience as follows:

17 1. ~~Continuing Retirement~~ licensure of a teacher as defined in
18 ~~G.S. 115C-325(6)~~G.S. 115C-325.1(6) who has met all of the
19 following requirements: (i)

20 I. The teacher has 30 or more years of teaching
21 experience in North Carolina upon the date of
22 retirement of the teacher and (ii) the teacher's
23 retirement.

24 II. The teacher has been employed by a local school
25 administrative unit after retirement as any of the
26 following:

27 A. ~~served as a~~ substitute teacher at least once
28 every three years since retirement teacher.

29 B. A part-time position providing any of the
30 following services: classroom instruction,
31 tutoring, mentoring teachers, modeling
32 demonstration lessons for teachers, writing
33 curricula, developing and leading staff
34 development programs for teachers, or
35 working in after-school programs.

36 2. Lifetime licensure after 50 years of teaching.



b. The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing licensure. The new requirements shall reflect more rigorous standards for continuing licensure and shall be aligned with high-quality professional development programs that reflect State priorities for improving student achievement. Standards for continuing licensure shall include the following:

1. For all teachers, at least eight continuing education credits with at least three credits required in a teacher's academic subject area.
2. For elementary and middle school teachers, at least three continuing education credits related to literacy. Literacy renewal credits shall include evidence-based assessment, diagnosis, and intervention strategies for students not demonstrating reading proficiency. Oral language, phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.
3. For ~~retired~~ teachers ~~serving as substitutes~~ seeking a ~~continuing retirement~~ license who qualify under sub-subdivision a. of this subdivision, at least 640 hours of documented ~~substitute teaching employment in a local school administrative unit~~ each renewal cycle and eight hours of annual professional development approved by a local school administrative unit.

...."

SECTION 2. G.S. 115C-296(b)(1) is amended by adding a new sub-subdivision to read:

"e. A member of the General Assembly is exempt from the continuing education credit requirements for teachers during any five-year licensure renewal cycle in which the member serves a term or some portion thereof in the General Assembly as long as the member notifies the Department of Public Instruction of the exemption during that five-year licensure renewal cycle."

SECTION 3. G.S. 115C-284(e) reads as rewritten:

"(e) It shall be unlawful for any board of education to employ or keep in service any principal or supervisor who neither holds nor is qualified to hold a ~~certificate~~ license in compliance with the provision of the law or in accordance with the regulations of the State Board of Education. However, a local board of education may select a retired principal or retired assistant principal to serve as an interim principal for the remainder of any school year regardless of licensure status."

SECTION 4. Section 1 of this act applies to applications for retirement licensure on or after that date. Section 3 of this act applies beginning with the 2017-2018 school year. The remainder of this act is effective when it becomes law.



SENATE COMMITTEE

ON

EDUCATION/ HIGHER EDUCATION

JUNE 20, 2017

SENATE SERGEANT-AT-ARMS:

TERRY EDMONDSON

STEVE MCKAIG

LINDA MATTHEWS



Senate Pages Attending

COMMITTEE: Education ROOM: 544

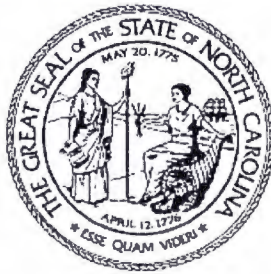
DATE: 6-20 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

Page Name	Hometown	Sponsoring Senator
1. Esmé Wheeler	Durham	Woodward
2. Edwin West	Wilmington	Lee
3. Alex Tardue <small>11, 2017</small>	Burlington	Gunn
4. Katie Long	Holly Springs	Berger
5. Mia Bawe	Raleigh	Blue
6. Minu Lee	Raleigh	Alexander
7. Wilson Matsuo	Cary	Barringer
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





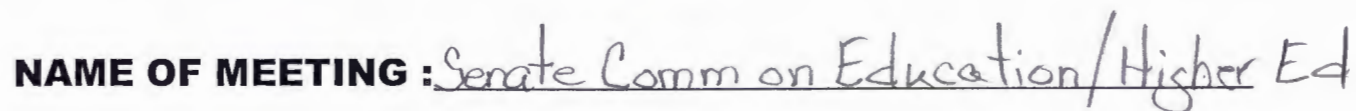
NAME OF MEETING: Senate Committee on Education / Higher Ed

DATE: June 20, 2017

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Sammy Bauer	NCDPI
S. Austin Cavanaugh	NCDPI
Libby Seguin	NCDPI
Jessica Jenkins	NCDPI
Lee Traylor	TAG
Laura De Vito	DES
Angel Sams	DES
Deanna Townsend-Snyder	NCDPI
DAVE MACHADO	NCDPI OCS
Dr. Barbara Ligon	PPAD
Travis White	UNC Law
Josh Branstford	UNC Law
Julie Shu	UNC Law
STACEY ANTHONY	NC PBA
JOHN MIDGETTE	NC PBA
Connor Murphy	NCA S
Maria Gonzalez	New Frame
Milena Wuerth	New Frame





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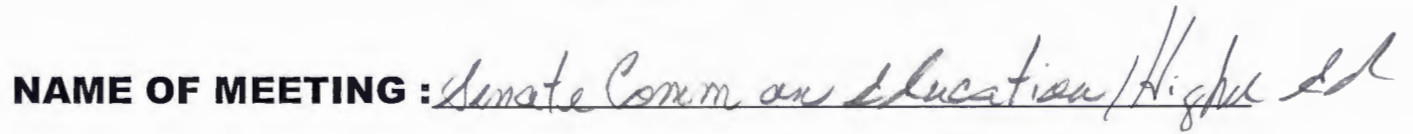


NAME OF MEETING : Senate Comm on Education Higher Ed

DATE: June 20, 2017

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Michelle Frazier	SML
Caspar DeGhost	MWC
Kacel Boarh	RTI
Lindsay Wagner	AT Fletcher Foundation
Drew Moretz	UNC GA
Sarah Son	NISU
Deb Clary	NCSP
Betty Dorn	UNC Charlotte
Donna Aldworth	NCSRA
Nancy Foreman	AKME
Debra Jape	NC ASA
Bryan N. Hollaway	Hollaway Group Inc
Robert W. Mitchell	Hollaway Group Inc
Kevin Wilkins	NC Superintendent
Amanda Finn	JDA
Matt Ellinwood	NC Justice Center
Mary Shupers	NCCCS
Kuey Hani	UNCG



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Senate Committee on Education/Higher Education
Wednesday, June 21, 2017 at 12:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on June 21, 2017 in Room 544 of the Legislative Office Building. 18 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting and recognized the Senate Sergeant at Arms and Senate Pages.

HB 155: Modify Educator Licensure Requirements. (Representatives K. Hall, Conrad, L. Bell, Floyd)

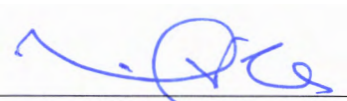
Members of the committee were given the opportunity to discuss and comment on the bill. Senator Pate made a motion of favorable to the proposed committee substitute and an unfavorable report to the original bill. The motion was approved.

HB 800: Various Changes to Charter School Laws. (Representatives Bradford, Saine, Stone, Grange)

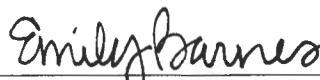
Senator Barefoot presented the bill before the committee. Senator Tillman offered Amendment H800-ARQ-28[v.4] and explained the amendment. Members of the committee discussed the amendment. Senator Cook made a motion to adopt the amendment. The motion was approved. Senator Robinson offered Amendment H800-ATC-98[v.3] and explained the amendment. Members of the committee discussed the amendment. Senator Robinson made a motion to adopt the amendment. The motion was approved. Senator Cook made a motion of favorable to the proposed committee substitute as amended, rolled into a new proposed committee substitute, with a favorable report to the new committee substitute and an unfavorable report to the original bill. The motion was approved.

Senator Smith-Ingram made a motion to reconsider H155: Omnibus Education Law Changes. The motion was approved. Committee members were given the opportunity to further discuss the bill. Leanne Winner, Lobbyist, North Carolina School Boards Association, explained the teacher evaluation provision of the bill. Senator Cook made a motion of favorable to the proposed committee substitute and an unfavorable report to the original bill. The motion was approved.

The meeting adjourned at 12:42 PM.



Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk



Senate Committee on Education/Higher Education
Wednesday, June 21, 2017, 12:00 PM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 155	Modify Educator Licensure Requirements.	Representative K. Hall Representative Conrad Representative L. Bell Representative Floyd
HB 800	Various Changes to Charter School Laws.	Representative Bradford Representative Saine Representative Stone Representative Grange

Adjournment



Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	June 21, 2017	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 155</u>	Modify Educator Licensure Requirements.	Representative K. Hall Representative Conrad Representative L. Bell Representative Floyd
<u>HB 800</u>	Various Changes to Charter School Laws.	Representative Bradford Representative Saine Representative Stone Representative Grange

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Barefoot, Co-Chair

Senator Curtis, Co-Chair

Senator Lee, Co-Chair

Wednesday, June 21, 2017

Senator Lee,

submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO
SENATE COMMITTEE SUBSTITUTE BILL**

HB 155 (CS#1)

Modify Educator Licensure Requirements.

Draft Number: H155-PCS10387-RQ-13
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: Yes

HB 800 (CS#1)

Various Changes to Charter School Laws.

Draft Number: H800-PCS40622-RQ-12
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Senator Chad Barefoot will handle HB 155

Senator Chad Barefoot will handle HB 800



* C M R 5 7 5 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 800

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

H800-ARQ-28 [v.4]

Page 1 of 1

Amends Title [NO]
H800-CSRQ-12[v.3]

Date _____, 2017

Senator Tillman

moves to amend the bill on page 5, lines 43-45 by rewriting the lines to read:

"PART VII. REORGANIZE STATUTE ON STATE AND LOCAL FUNDS

SECTION 7. G.S. 115C-218.105(b) reads as rewritten:

"(b) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities, equipment, or operations. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. The school also may own land and buildings it obtains through non-State sources. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. ~~The school also may own land and buildings it obtains through non-State sources.~~"

PART VIII. EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* H 8 0 0 - A R Q - 2 8 - V - 4 *





**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 800**

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

H800-ARQ-28 [v.4]

Page 1 of 1

Amends Title [NO]
H800-CSRQ-12[v.3]

Date _____, 2017

Senator Tillman

1 moves to amend the bill on page 5, lines 43-45 by rewriting the lines to read:

2
3 **"PART VII. REORGANIZE STATUTE ON STATE AND LOCAL FUNDS**

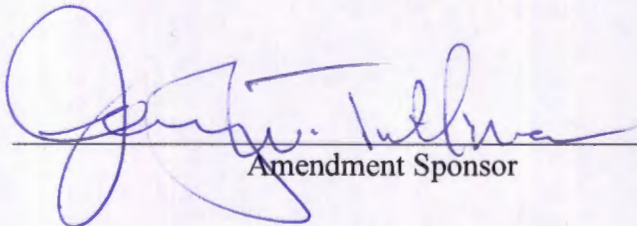
4 **SECTION 7.** G.S. 115C-218.105(b) reads as rewritten:

5 "(b) Funds allocated by the State Board of Education may be used to enter into
6 operational and financing leases for real property or mobile classroom units for use as school
7 facilities for charter schools and may be used for payments on loans made to charter schools for
8 facilities, equipment, or operations. However, State funds shall not be used to obtain any other
9 interest in real property or mobile classroom units. The school also may own land and buildings
10 it obtains through non-State sources. No indebtedness of any kind incurred or created by the
11 charter school shall constitute an indebtedness of the State or its political subdivisions, and no
12 indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing
13 power of the State or its political subdivisions. Every contract or lease into which a charter
14 school enters shall include the previous sentence. ~~The school also may own land and buildings~~
15 ~~it obtains through non-State sources."~~

16
17 **PART VIII. EFFECTIVE DATE**

18 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
19 law."

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* H 8 0 0 - A R Q - 2 8 - V - 4 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 800

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

H800-ATC-98 [v.3]

Page 1 of 2

Amends Title [NO]
H800-CSRQ-12

Date _____, 2017

Senator Robinson

moves to amend the bill on page 2, line 21, through page 3, line 4, by deleting those lines and substituting the following:

"PART III. EXPANSION OF GROWTH EXCEPTION FOR MATERIAL REVISIONS OF CHARTERS

SECTION 3.(a) G.S. 115C-218.7(b) reads as rewritten:

"(b) Enrollment growth of greater than twenty percent (20%) shall be considered a material revision of the ~~charter~~ charter for any charter school identified as low-performing. The State Board may approve such additional enrollment growth of greater than twenty percent (20%) only if it finds all of the following:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.
- ~~(3) The charter school is not currently identified as low-performing.~~
- (4) The charter school meets generally accepted standards of fiscal management.
- (5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board."

SECTION 3.(b) G.S. 115C-217.7 is amended by adding a new subsection to read:

"(b1) Enrollment growth of greater than twenty-five percent (25%) shall be considered a material revision of the charter for any charter school that is not identified as low-performing. The State Board may approve such additional enrollment growth of greater than twenty-five percent (25%) only if it finds all of the following:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.
- (3) The charter school meets generally accepted standards of fiscal management.
- (4) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's



* H 8 0 0 - A T C - 9 8 - V - 3 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 800

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

H800-ATC-98 [v.3]

Page 2 of 2

own bylaws, and the provisions set forth in its charter granted by the State Board."

SECTION 3.(c) G.S. 115C-218.8 reads as rewritten:

"§ 115C-218.8. Nonmaterial revisions of charters.

It shall not be considered a material revision of a charter and shall not require prior approval of the State Board for a charter school to do any of the following:

(1) Increase its enrollment during the charter school's second year of operation and annually thereafter ~~by up to twenty percent (20%) of the school's previous year's enrollment~~ in accordance with G.S. 115C-218.7(b) or G.S. 115C-218.7(b1).

(2) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.

(3) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as continually low-performing as provided in G.S. 115C-218.94, and (iii) has been in financial compliance as required by the State Board."

SECTION 3.(d) This section is effective when it becomes law and applies to approvals for material changes on or after that date."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 800**

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

H800-ATC-98 [v.3]

Page 1 of 2

Amends Title [NO]
H800-CSRQ-12

Date _____, 2017

Senator Robinson

1 moves to amend the bill on page 2, line 21, through page 3, line 4, by deleting those lines and
2 substituting the following:
3

4 **"PART III. EXPANSION OF GROWTH EXCEPTION FOR MATERIAL REVISIONS
5 OF CHARTERS**

6 **SECTION 3.(a)** G.S. 115C-218.7(b) reads as rewritten:

7 "(b) Enrollment growth of greater than twenty percent (20%) shall be considered a
8 material revision of the ~~charter~~ charter for any charter school identified as low-performing. The
9 State Board may approve such additional enrollment growth of greater than twenty percent
10 (20%) only if it finds all of the following:

- 11 (1) The actual enrollment of the charter school is within ten percent (10%) of its
12 maximum authorized enrollment.
- 13 (2) The charter school has commitments for ninety percent (90%) of the
14 requested maximum growth.
- 15 (3) ~~The charter school is not currently identified as low-performing.~~
- 16 (4) The charter school meets generally accepted standards of fiscal management.
- 17 (5) The charter school is, at the time of the request for the enrollment increase,
18 substantially in compliance with State law, federal law, the charter school's
19 own bylaws, and the provisions set forth in its charter granted by the State
20 Board."

21 **SECTION 3.(b)** G.S. 115C-217.7 is amended by adding a new subsection to read:

22 "(b1) Enrollment growth of greater than twenty-five percent (25%) shall be considered a
23 material revision of the charter for any charter school that is not identified as low-performing.
24 The State Board may approve such additional enrollment growth of greater than twenty-five
25 percent (25%) only if it finds all of the following:

- 26 (1) The actual enrollment of the charter school is within ten percent (10%) of its
27 maximum authorized enrollment.
- 28 (2) The charter school has commitments for ninety percent (90%) of the
29 requested maximum growth.
- 30 (3) The charter school meets generally accepted standards of fiscal management.
- 31 (4) The charter school is, at the time of the request for the enrollment increase,
32 substantially in compliance with State law, federal law, the charter school's



* H 8 0 0 - A T C - 9 8 - V - 3 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 800

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

H800-ATC-98 [v.3]

Page 2 of 2

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SECTION 3.(c) G.S. 115C-218.8 reads as rewritten:

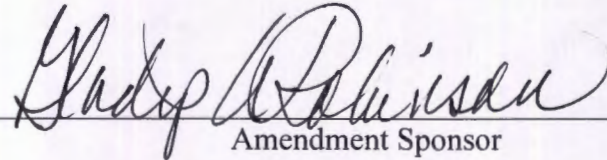
"§ 115C-218.8. Nonmaterial revisions of charters.

It shall not be considered a material revision of a charter and shall not require prior approval of the State Board for a charter school to do any of the following:

- (1) Increase its enrollment during the charter school's second year of operation and annually thereafter ~~by up to twenty percent (20%) of the school's previous year's enrollment~~ in accordance with G.S. 115C-218.7(b) or G.S. 115C-218.7(b1).
- (2) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.
- (3) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as continually low-performing as provided in G.S. 115C-218.94, and (iii) has been in financial compliance as required by the State Board."

SECTION 3.(d) This section is effective when it becomes law and applies to approvals for material changes on or after that date."

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



HOUSE BILL 155: Omnibus Education Law Changes.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 19, 2017
Introduced by:	Reps. K. Hall, Conrad, L. Bell, Floyd	Prepared by:	Drupti Chauhan
Analysis of:	PCS to Second Edition H155-CSRQ-13		Kara McCraw Brian Gwyn Committee Counsel

OVERVIEW: *The Proposed Committee Substitute for HB 155 makes changes to various education statutes. It also directs the Superintendent of Public Instruction (Superintendent) to study student health issues; directs the State Board of Education (SBE) to delay implementation of certain policies; and directs the Superintendent to study the expansion of the teaching of computer science.*

PART I: MODIFY SCHOOL/CLASS SIZE REPORT DATE

Bill Analysis: This section changes the reporting date from September to October for the report that must be submitted to the Superintendent on regarding school organization data for each school in a local school administrative unit, including class size.

Effective Date: This section would become effective when it becomes law and applies beginning with the 2017-2018 school year.

PART II: MAKES CONFORMING CHANGES TO CAREER STATUS STATUTES TO ALIGN WITH NORTH CAROLINA SUPREME COURT DECISION

Bill Analysis: In 2012, the North Carolina General Assembly made numerous changes to the career status statutes, including the repeal of career status for all teachers effective June 30, 2018. The North Carolina Supreme Court held career status could not be removed from teachers who had already attained career status as long as they stayed continuously employed by the same local school administrative unit. This section makes conforming changes to retain existing laws related to career status for those teachers.

Effective Date: This section would become effective when it becomes law.

PART III: AUTHORIZE ASSISTANT PRINCIPALS AT CERTAIN SCHOOLS TO CONDUCT EVALUATIONS FOR BEGINNING TEACHERS

Current Law: Teachers who have not been employed for at least three consecutive years must be evaluated at least once annually by a principal.

Bill Analysis: For high schools with at least 1500 students, this section allows the principal or assistant principal to complete the evaluation as long as at least one evaluation in a teacher's first three years of employment is conducted by the principal.

Karen Cochran-Brown
Director



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Effective Date: This section would become effective when it becomes law and applies beginning with the 2017-2018 school year.

PART IV: SUPERINTENDENT STUDY STUDENT HEALTH ISSUES

Bill Analysis: This section directs the Superintendent to convene a Work Group to study effective and positive intervention measures or policy changes to address risky behaviors and encourage student health and mental health. The Work Group's findings and recommendations must be reported to the State Board of Education and the Joint Legislative Education Oversight Committee by April 1, 2018.

Effective Date: This section would become effective when it becomes law.

PART V: STATE BOARD OF EDUCATION INTERAGENCY ADVISORY COMMITTEE AND SCHOOL-BASED MENTAL HEALTH INITIATIVE DELAY IMPLEMENTATION

Bill Analysis: This section prohibits the SBE from adopting or implementing any policies or recommendations from the Interagency Advisory Committee until October, 2018. This section also directs the SBE to change the timelines for the development and implementation of plans and training required by its policy on School-Based Mental Health Initiatives by delaying all of the items by one year from the dates provided in the policy.

Effective Date: This section would become effective when it becomes law.

PART VI: STUDY/EXPAND COMPUTER SCIENCE TO ALL STUDENTS

Bill Analysis: This section directs the Superintendent and the Department of Public Instruction in collaboration with the Friday Institute for Educational Innovation at North Carolina State University and the North Carolina School of Science and Mathematics, to develop recommendations to further the teaching and student learning of computational thinking and computer science in North Carolina K-12 schools. The recommendations must include:

- Curriculum guidelines that are aligned with K-12 Computer Science Framework (October 2016) developed by the CSforAll Consortium.
- Recommendations to increase the number of teachers prepared to teach computational thinking and computer science, addressing both preservice educator preparation for teachers and professional development for in-service teachers.
- Policy recommendations.
- Alignment with the ongoing implementation of the Digital Learning Plan in North Carolina by DPI and the Friday Institute.

A report must be submitted to the Joint Legislative Education Oversight Committee on the recommendations, including any proposed legislation, by January 15, 2018.

Effective Date: This section would become effective when it becomes law.

PART VII: EFFECTIVE DATE

Except as otherwise provided, the bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 155
Committee Substitute Favorable 3/21/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H155-CSRQ-13 [v.9]
06/19/2017 6:56:06 PM

Short Title: Omnibus Education Law Changes.

(Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:

4
5 **PART I: MODIFY SCHOOL/CLASS SIZE REPORT DATE**

6 **SECTION 1.(a)** G.S. 115C-47(10), as amended by Section 2(a) of S.L. 2017-9,
7 reads as rewritten:

8 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
9 boards of education to assure that the class size requirements set forth in
10 G.S. 115C-301 for kindergarten through third grade are met. Any teacher
11 who believes that the requirements of G.S. 115C-301 have not been met
12 shall make a report to the principal and superintendent, and the
13 superintendent shall immediately determine whether the requirements have
14 in fact not been met. If the superintendent determines the requirements have
15 not been met, he or she shall make a report to the next local board of
16 education meeting. The local board of education shall take action to meet the
17 requirements of the statute. If the local board cannot organizationally correct
18 the exception, it shall immediately apply to the State Board of Education for
19 additional personnel or a waiver of the class size requirements, as provided
20 in G.S. 115C-301(g).

21 Upon notification from the State Board of Education that the reported
22 exception does not qualify for an allotment adjustment or a waiver under
23 provisions of G.S. 115C-301, the local board, within 30 days, shall take
24 action necessary to correct the exception, as required in G.S. 115C-301(g).

25 At the end of ~~September~~October and end of February of each school
26 year, the local board of education, through the superintendent, shall file a
27 report with the Superintendent of Public Instruction, in a format prescribed
28 by the Superintendent of Public Instruction, describing the organization for
29 each school in the local school administrative unit, as required by
30 G.S. 115C-301(f).

31 In addition to assuring that the requirements of G.S. 115C-301 are met,
32 each local board of education shall also have the duty to provide an adequate
33 number of classrooms to meet the requirements of that statute."

34 **SECTION 1.(b)** G.S. 115C-301(f), as amended by Section 2(b) of S.L. 2017-9,
35 reads as rewritten:



"(f) Biannual Reports. – At the end of ~~September~~October and end of February of each school year, each local board of education, through the superintendent, shall file a report, based on information provided by the principal, for each school within the local school administrative unit with the Superintendent of Public Instruction. The report shall be filed in a format prescribed by the Superintendent of Public Instruction and shall include the organization for each school in the local school administrative unit, including the following information:

...."

SECTION 1.(c) This section is effective when it becomes law and applies beginning with the 2017-2018 school year.

PART II: MAKES CONFORMING CHANGES TO CAREER STATUS STATUTES TO ALIGN WITH NORTH CAROLINA SUPREME COURT DECISION.

SECTION 2.(a) Section 9.6(a) of S.L. 2013-360 is repealed.

SECTION 2.(b) G.S. 115C-325 reads as rewritten:

"§ 115C-325. System of employment for public school teachers.

(a) Definition of Terms. – ~~As Notwithstanding G.S. 115C-325.I,~~ as used in this section the following definitions apply unless the context requires otherwise:

(1) Repealed by Session Laws 1997-221, s. 13(a).

(1a) "Career employee" as used in this section ~~means:~~ means

~~a. An an employee who has obtained~~was awarded career status with that local board as a teacher ~~as provided in G.S. 115C-325(e);~~prior to August 1, 2013.

~~b. An employee who has obtained career status with that local board in an administrative position as provided in G.S. 115C-325(d)(2);~~

~~c. A probationary teacher during the term of the contract as provided in G.S. 115C-325(m); and~~

~~d. A school administrator during the term of a school administrator contract as provided in G.S. 115C-287.1(e).~~

(1b) ~~"Career school administrator" means a school administrator who has obtained career status in an administrative position as provided in G.S. 115C-325(d)(2).~~

(1c) ~~"Career teacher" means a teacher who has obtained career status as provided in G.S. 115C-325(e).~~

(1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and applicable to persons recommended for dismissal or demotion on or after that date.

(2) Repealed by Session Laws 1997, c. 221, s. 13(a).

(3) ~~"Day" means calendar day. In computing any period of time, Rule 6 of the North Carolina Rules of Civil Procedure shall apply.~~

(4) "Demote" means to reduce the salary of a person who is classified or paid by the State Board of Education as a classroom ~~teacher or as a school administrator.~~teacher. The word "demote" does not include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement; or (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach or a choral director.

(4a) "Disciplinary suspension" means a final decision to suspend a ~~teacher or school administrator~~career employee without pay for no more than 60 days under G.S. 115C-325(f)(2).

- (4b) ~~"Exchange teacher" means a nonimmigrant alien teacher participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q).~~
- (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).
- (5) ~~"Probationary teacher" means a licensed person, other than a superintendent, associate superintendent, or assistant superintendent, who has not obtained career teacher status and whose major responsibility is to teach or to supervise teaching.~~
- (5a) [Expired.]
- (5b) ~~"School administrator" means a principal, assistant principal, supervisor, or director whose major function includes the direct or indirect supervision of teaching or any other part of the instructional program as provided in G.S. 115C-287.1(a)(3).~~
- (6) "Teacher" means a person who holds at least a current, not provisional or expired, Class A license or a regular, not provisional or expired, vocational license issued by the State Board of Education; whose major responsibility is to teach or directly supervises teaching or who is classified by the State Board of Education or is paid either as a classroom teacher or instructional support personnel; and who is employed to fill a full-time, permanent position.
- (7) Redesignated.
- (8) ~~"Year" for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full time permanent position in a school year. Workdays performed pending the outcome of a criminal history check as provided in G.S. 115C-332 are included in computing time as a probationary teacher.~~

(a1) This section shall apply only to career employees. No person who is employed as a teacher who did not acquire career status as a teacher by August 1, 2013, shall have career status.

(b) Personnel Files. – The superintendent shall maintain in his or her office a personnel file for each ~~teacher~~career employee that contains any complaint, commendation, or suggestion for correction or improvement about the ~~teacher's~~career employee's professional conduct, except that the superintendent may elect not to place in a ~~teacher's~~career employee's file (i) a letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion shall be signed by the person who makes it and shall be placed in the ~~teacher's~~career employee's file only after five days' notice to the ~~teacher~~employee. Any denial or explanation relating to such complaint, commendation, or suggestion that the ~~teacher~~career employee desires to make shall be placed in the file. Any ~~teacher~~career employee may petition the local board of education to remove any information from his or her personnel file that he or she deems invalid, irrelevant, or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

The personnel file shall be open for the ~~teacher's~~career employee's inspection at all reasonable times but shall be open to other persons only in accordance with such rules and regulations as the board adopts. Any preemployment data or other information obtained about a ~~teacher~~career employee before his or her employment by the board may be kept in a file separate from his or her personnel file and need not be made available to ~~him~~him or her. No data placed in the preemployment file may be introduced as evidence at a hearing on the

dismissal or demotion of a ~~teacher~~ career employee, except the data may be used to substantiate G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as grounds for dismissal or demotion.

(c) (1) through (3) Repealed.

(4) Leave of Absence. – A career ~~teacher~~ employee who has been granted a leave of absence by a board shall maintain his or her career status if he or she returns to his or her teaching position at the end of the authorized leave.

(5), (6) Repealed.

(d) ~~Career Teachers and Career School Administrators~~ Employees.

(1) A career ~~teacher or career school administrator~~ employee shall not be subjected to the requirement of annual appointment nor shall he or she be dismissed, demoted, or employed on a part-time basis without his or her consent except as provided in subsection ~~(e)~~ (c) of this section.

(2) a. ~~The provisions of this subdivision do not apply to a person who is ineligible for career status as provided by G.S. 115C-325(e)(3).~~

b. Repealed by Session Laws 1997, c. 221, s. 13(a).

c. Subject to G.S. 115C-287.1, when a teacher has performed the duties of supervisor or principal for three consecutive years, the board, near the end of the third year, shall vote upon his or her employment for the next school year. The board shall give him or her written notice of that decision by June 1 of his or her third year of employment as a supervisor or principal. If a majority of the board votes to reemploy the teacher as a principal or supervisor, and it has notified him or her of that decision, it may not rescind that action but must proceed under the provisions of this section. If a majority of the board votes not to reemploy the teacher as a principal or supervisor, he or she shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal. A supervisor or principal who has not held that position for three years and whose contract will not be renewed for the next school year shall be notified by June 1 and shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal.

A year, for purposes of computing time as a probationary principal or supervisor, shall not be less than 145 workdays performed as a full-time, permanent principal or supervisor in a contract year.

~~A principal or supervisor who has obtained career status in that position in any North Carolina public school system may be required by the board of education in another school system to serve an additional three year probationary period in that position before being eligible for career status. However, he may, at the option of the board of education, be granted career status immediately or after serving a probationary period of one or two additional years. A principal or supervisor with career status who resigns and within five years is reemployed by the same school system need not serve another probationary period in that position of more than two years and may, at the option of the board, be reemployed immediately as a career principal or supervisor or be given career status after only one year. In any event, if he is reemployed for a third consecutive year, he shall automatically become a career principal or supervisor.~~

(e) Grounds for Dismissal or Demotion of a Career Employee.

- (1) Grounds. – No career employee shall be dismissed or demoted or employed on a part-time basis except for one or more of the following:
- a. Inadequate performance.
 - b. Immorality.
 - c. Insubordination.
 - d. Neglect of duty.
 - e. Physical or mental incapacity.
 - f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.
 - g. Conviction of a felony or a crime involving moral turpitude.
 - h. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
 - i. Failure to fulfill the duties and responsibilities imposed upon teachers ~~or school administrators~~ by the General Statutes of this State.
 - j. Failure to comply with such reasonable requirements as the board may prescribe.
 - k. Any cause which constitutes grounds for the revocation of the career ~~teacher's~~ employee's ~~teaching license or the career school administrator's administrator license.~~
 - l. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided that there is compliance with subdivision ~~(2)-(2)~~ of this subsection.
 - m. Failure to maintain his or her license in a current status.
 - n. Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes.
 - o. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.
- (2) Reduction in Force. –
- a. A local board of education shall adopt a policy for implementing a reduction in force pursuant to sub-subdivision (e)(1)l. of this section that includes the following criteria:
 1. In determining which positions shall be subject to a reduction, a local board of education shall consider the following:
 - I. Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and position inefficiencies; (iii) opportunities for combined work functions; and (iv) decreased student or other demands for curriculum, programs, operations, or other services.
 - II. Organizational considerations, such as anticipated organizational needs of the local school administrative unit and program or school enrollment.
 2. In identifying which ~~teachers~~ career employees in similar positions shall be subject to a dismissal, demotion, or reduction to employment on a part-time basis under the

policy, a local school administrative unit shall consider work performance and ~~teacher~~ evaluations.

- b. Before recommending to a board the dismissal or demotion of the career employee pursuant to G.S. 115C-325(e)(1)l., the superintendent shall give written notice to the career employee by certified mail or personal delivery of his or her intention to make such recommendation and shall set forth as part of his or her recommendation the grounds upon which he or she believes such dismissal or demotion is justified. The notice shall include a statement to the effect that if the career employee within 15 days after receipt of the notice requests a review, he or she shall be entitled to have the proposed recommendations of the superintendent reviewed by the board. Within the 15-day period after receipt of the notice, the career employee may file with the superintendent a written request for a hearing before the board within 10 days. If the career employee requests a hearing before the board, the hearing procedures provided in G.S. 115C-325(j3) shall be followed. If no request is made within the 15-day period, the superintendent may file his or her recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if there is one, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal. Provisions of this section which permit a hearing by a hearing officer shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)l.

When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l., above, his or her name shall be placed on a list of available career employees to be maintained by the board.

- (3) Inadequate Performance. – In determining whether the professional performance of a career employee is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the published policy of the employing local school administrative unit and to any published standards of performance which shall have been adopted by the board. Failure to notify a career employee of an inadequacy or deficiency in performance shall be conclusive evidence of satisfactory performance. Inadequate performance for a ~~teacher-career employee~~ shall mean (i) the failure to perform at a proficient level on any standard of the evaluation instrument or (ii) otherwise performing in a manner that is below standard. ~~However, for a probationary teacher, a performance rating below proficient may or may not be deemed adequate at that stage of development by a superintendent or designee. For a career teacher, employee, a performance rating below proficient shall constitute inadequate performance unless the principal noted on the instrument that the teacher-career employee is making adequate progress toward proficiency given the circumstances.~~
- (4) Three-Year Limitation on Basis of Dismissal or Demotion. – Dismissal or demotion under subdivision (1) above, except paragraphs g. and o. thereof, shall not be based on conduct or actions which occurred more than three years before the written notice of the superintendent's intention to recommend dismissal or demotion is mailed to the career employee. The three-year limitation shall not apply to dismissals or demotions pursuant to

- 1 subdivision (1)b. above when the charge of immorality is based upon a
2 career employee's sexual misconduct toward or sexual harassment of
3 students or staff.
- 4 (f) (1) Suspension without Pay. – If a superintendent believes that cause exists for
5 dismissing a career employee for any reason specified in
6 G.S. 115C-325(e)(1) and that immediate suspension of the career employee
7 is necessary, the superintendent may suspend the career employee without
8 pay. Before suspending a career employee without pay, the superintendent
9 shall meet with the career employee and give him or her written notice of the
10 charges against ~~him, him or her~~, an explanation of the bases for the charges,
11 and an opportunity to respond. Within five days after a suspension under this
12 paragraph, the superintendent shall initiate a dismissal, demotion, or
13 disciplinary suspension without pay as provided in this section. If it is finally
14 determined that no grounds for dismissal, demotion, or disciplinary
15 suspension without pay exist, the career employee shall be reinstated
16 immediately, shall be paid for the period of suspension, and all records of
17 the suspension shall be removed from the career employee's personnel file.
- 18 (2) Disciplinary Suspension Without Pay. – A career employee recommended
19 for disciplinary suspension without pay ~~pursuant to G.S. 115C-325(a)(4a)~~
20 may request a hearing before the board. If no request is made within 15 days,
21 the superintendent may file his or her recommendation with the board. If,
22 after considering the recommendation of the superintendent and the evidence
23 adduced at the hearing if one is held, the board concludes that the grounds
24 for the recommendation are true and substantiated by a preponderance of the
25 evidence, the board, if it sees fit, may by resolution order such suspension.
- 26 a. Board hearing for disciplinary suspensions for more than 10 days or
27 for certain types of intentional misconduct. – The procedures for a
28 board hearing under G.S. 115C-325(j3) shall apply if any of the
29 following circumstances exist:
- 30 1. The recommended disciplinary suspension without pay is for
31 more than 10 days; or
- 32 2. The disciplinary suspension is for intentional misconduct,
33 such as inappropriate sexual or physical conduct, immorality,
34 insubordination, habitual or excessive alcohol or nonmedical
35 use of a controlled substance as defined in Article 5 of
36 Chapter 90 of the General Statutes, any cause that constitutes
37 grounds for the revocation of the ~~teacher's or school~~
38 ~~administrator's~~ career employee's license, or providing false
39 information.
- 40 b. Board hearing for disciplinary suspensions of no more ~~than~~ 10
41 days. – The procedures for a board hearing under G.S. 115C-325(j2)
42 shall apply to all disciplinary suspensions of no more than 10 days
43 that are not for intentional misconduct as specified in
44 ~~G.S. 115C-325(f)(2)a.2.~~ sub-sub-subdivision a.2. of this subdivision.
- 45 (f1) Suspension with Pay. – If a superintendent believes that cause may exist for
46 dismissing or demoting a career employee for any reasons specified in G.S. 115C-325(e)(1),
47 but that additional investigation of the facts is necessary and circumstances are such that the
48 career employee should be removed immediately from his or her duties, the superintendent may
49 suspend the career employee with pay for a reasonable period of time, not to exceed 90 days.
50 The superintendent shall notify the board of education within two days of his or her action and
51 shall notify the career employee within two days of the action and the reasons for it. If the

1 superintendent has not initiated dismissal or demotion proceedings against the career employee
2 within the 90-day period, the career employee shall be reinstated to his or her duties
3 immediately and all records of the suspension with pay shall be removed from the career
4 employee's personnel file at his or her request. However, if the superintendent and the
5 employee agree to extend the 90-day period, the superintendent may initiate dismissal or
6 demotion proceedings against the career employee at any time during the period of the
7 extension.

8 ~~(f2) Procedure for Demotion of Career School Administrator. — If a superintendent~~
9 ~~intends to recommend the demotion of a career school administrator, the superintendent shall~~
10 ~~give written notice to the career school administrator by certified mail or personal delivery and~~
11 ~~shall include in the notice the grounds upon which the superintendent believes the demotion is~~
12 ~~justified. The notice shall include a statement that if the career school administrator requests a~~
13 ~~hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the~~
14 ~~grounds for the proposed demotion reviewed by the local board of education. If the career~~
15 ~~school administrator does not request a board hearing within 15 days, the superintendent may~~
16 ~~file the recommendation of demotion with the board. If, after considering the superintendent's~~
17 ~~recommendation and the evidence presented at the hearing if one is held, the board concludes~~
18 ~~that the grounds for the recommendation are true and substantiated by a preponderance of the~~
19 ~~evidence, the board may by resolution order the demotion. The procedures for a board hearing~~
20 ~~under G.S. 115C-325(j3) shall apply to all demotions of career school administrators.~~

21 (g) Repealed by Session Laws 1997, c. 221, s. 13(a).

22 (h) Procedure for Dismissal or Demotion of Career Employee.

23 (1) a. A career employee may not be dismissed, demoted, or reduced to
24 part-time employment except upon the superintendent's
25 recommendation.

26 b. ~~G.S. 115C-325(f2) shall apply to the demotion of a career school~~
27 ~~administrator.~~

28 (2) Before recommending to a board the dismissal or demotion of the career
29 employee, the superintendent shall give written notice to the career
30 employee by certified mail or personal delivery of his or her intention to
31 make such recommendation and shall set forth as part of his or her
32 recommendation the grounds upon which he or she believes such dismissal
33 or demotion is justified. The superintendent also shall meet with the career
34 employee and provide written notice of the charges against the career
35 employee, an explanation of the basis for the charges, and an opportunity to
36 respond if the career employee has not done so under G.S. 115C-325(f)(1).
37 The notice shall include a statement to the effect that if the career employee
38 within 14 days after the date of receipt of the notice requests a review, he or
39 she may request to have the grounds for the proposed recommendations of
40 the superintendent reviewed by an impartial hearing officer appointed by the
41 Superintendent of Public Instruction as provided for in G.S. 115C-325(h)(7).
42 A copy of G.S. 115C-325 shall also be sent to the career employee. If the
43 career employee does not request a hearing before a hearing officer within
44 the 14 days provided, the superintendent may submit his or her
45 recommendation to the board.

46 (3) Within the 14-day period after receipt of the notice, the career employee
47 may file with the superintendent a written request for either (i) a hearing on
48 the grounds for the superintendent's proposed recommendation by a hearing
49 officer or (ii) a hearing within 10 days before the board on the
50 superintendent's recommendation. If the career employee requests an
51 immediate hearing before the board, he or she forfeits his or her right to a

hearing by a hearing officer. If no request is made within that period, the superintendent may file his or her recommendation with the board. The board, if it sees fit, may by resolution (i) reject the superintendent's recommendation or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or suspend the career employee without pay. If a request for review is made, the superintendent shall not file the recommendation for dismissal with the board until a report of the hearing officer is filed with the superintendent. Failure of the hearing officer to submit the report as required by G.S. 115C-325(i1)(1) shall entitle the career employee to a hearing before the board under the same procedures as provided in G.S.115C-325(j).

(4) Repealed by Session Laws 1997, c. 221, s. 13(a).

(5) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and applicable to persons recommended for dismissal or demotion on or after that date.

(6) If a career employee requests a review by a hearing officer, the superintendent shall notify the Superintendent of Public Instruction within five days of his or her receipt of the request.

(7) Within five days of being notified of the request for a hearing before a hearing officer, the Superintendent of Public Instruction shall submit to both parties a list of hearing officers trained and approved by the State Board of Education. Within five days of receiving the list, the parties may jointly select a hearing officer from that list, or, if the parties cannot agree to a hearing officer, each party may strike up to one-third of the names on the list and submit its strikeout list to the Superintendent of Public Instruction. The Superintendent of Public Instruction shall then appoint a hearing officer from those individuals remaining on the list. Further, the parties may jointly agree on another hearing officer not on the State Board of Education's list, provided that individual is available to proceed in a timely manner and is willing to accept the terms of appointment required by the State Board of Education. No person eliminated by the career employee or superintendent shall be designated as the hearing officer for that case.

(8) The superintendent and career employee shall serve a copy to the other party of all documents submitted to the Superintendent of Public Instruction and to the designated hearing officer and include a signed certificate of service similar to that required in court pleadings.

...

(j3) Board Hearing for Certain Disciplinary ~~Suspensions~~, Suspensions ~~Demotions~~ of ~~Career School Administrators~~, and for Reductions in Force. – The following procedures shall apply for a board hearing under ~~G.S. 115C-325(e)(2)~~, ~~G.S. 115C-325(f2)~~, G.S. 115C-325(e)(2) and G.S. 115C-325(f)(2)a:

(1) The hearing shall be private.

(2) The hearing shall be conducted in accordance with reasonable rules adopted by the State Board of Education to govern such hearings.

(3) At the hearing, the career employee and the superintendent shall have the right to be present and to be heard, to be represented by counsel, and to present through witnesses any competent testimony relevant to the issue of whether grounds exist for a disciplinary suspension without pay under ~~G.S. 115C-325(f)(2)a.~~, ~~a demotion of a career school administrator under G.S. 115C-325(f2).~~, G.S. 115C-325(f)(2)a. or whether the grounds for a dismissal or demotion due to a reduction in force is justified.

- 1 (4) Rules of evidence shall not apply to a hearing under this subsection and the
2 board may give probative effect to evidence that is of a kind commonly
3 relied on by reasonably prudent persons in the conduct of serious affairs.
- 4 (5) At least eight days before the hearing, the superintendent shall provide to the
5 career employee a list of witnesses the superintendent intends to present, a
6 brief statement of the nature of the testimony of each witness, and a copy of
7 any documentary evidence the superintendent intends to present.
- 8 (6) At least six days before the hearing, the career employee shall provide the
9 superintendent a list of witnesses the career employee intends to present, a
10 brief statement of the nature of the testimony of each witness, and a copy of
11 any documentary evidence the career employee intends to present.
- 12 (7) No new evidence may be presented at the hearing except upon a finding by
13 the board that the new evidence is critical to the matter at issue and the party
14 making the request could not, with reasonable diligence, have discovered
15 and produced the evidence according to the schedule provided in this
16 subsection.
- 17 (8) The board may subpoena and swear witnesses and may require them to give
18 testimony and to produce records and documents relevant to the grounds for
19 suspension without pay.
- 20 (9) The board shall decide all procedural issues, including limiting cumulative
21 evidence, necessary for a fair and efficient hearing.
- 22 (10) The superintendent shall provide for making a transcript of the hearing. If
23 the career employee contemplates an appeal of the board's decision to a court
24 of law, the career employee may request and shall receive at no charge a
25 transcript of the proceedings.
- 26 (k), (l) Repealed by Session Laws 1997, c. 221, s. 13(a).
27 (m) ~~Probationary Teacher.~~
- 28 (1) ~~The board of any local school administrative unit may not discharge a~~
29 ~~probationary teacher during the school year except for the reasons for and by~~
30 ~~the procedures by which a career employee may be dismissed as set forth in~~
31 ~~subsections (e), (f), (f1), and (h) to (j3) above.~~
- 32 (2) ~~The board, upon recommendation of the superintendent, may refuse to renew~~
33 ~~the contract of any probationary teacher or to reemploy any teacher who is~~
34 ~~not under contract for any cause it deems sufficient. Provided, however, that~~
35 ~~the cause may not be arbitrary, capricious, discriminatory or for personal or~~
36 ~~political reasons.~~
- 37 (3) ~~The superintendent shall provide written notice to a probationary teacher no~~
38 ~~later than May 15 of the superintendent's intent to recommend nonrenewal~~
39 ~~and the teacher's right, within 10 days of receipt of the superintendent's~~
40 ~~recommendation, to (i) request and receive written notice of the reasons for~~
41 ~~the superintendent's recommendation for nonrenewal and the information~~
42 ~~that the superintendent may share with the board to support the~~
43 ~~recommendation for nonrenewal; and (ii) request a hearing for those teachers~~
44 ~~eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely~~
45 ~~request within the 10 days shall result in a waiver of the right to this~~
46 ~~information and any right to a hearing. If a teacher files a timely request, the~~
47 ~~superintendent shall provide the requested information and arrange for a~~
48 ~~hearing, if allowed, and the teacher shall be permitted to submit~~
49 ~~supplemental information to the superintendent and board prior to the board~~
50 ~~making a decision or holding a hearing as provided in this section. The board~~
51 ~~shall adopt a policy to provide for the orderly exchange of information prior~~

to the board's decision on the superintendent's recommendation for nonrenewal.

(4) If the probationary teacher is eligible for career status pursuant to G.S. 115C-325(e)(1) and (e)(2) and the superintendent recommends not to give the probationary teacher career status, the probationary teacher has the right to a hearing before the board unless the reason is a justifiable board or superintendent approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.

(5) For probationary contracts that are not in the final year before the probationary teacher is eligible for career status, the probationary teacher shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board of education shall notify the probationary teacher making the petition of its decision whether to grant a hearing.

(6) Any hearing held according to this subsection shall be pursuant to the provisions of G.S. 115C-45(c).

(7) The board shall notify a probationary teacher whose contract will not be renewed for the next school year of its decision by June 15; provided, however, if a teacher submits a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or such later date upon the written consent of the superintendent and teacher.

(n) Appeal. – Any career employee who has been dismissed or demoted under G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without pay under G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed under G.S. 115C-325(m)(2) ~~G.S. 115C-325(f)(2)~~ shall have the right to appeal from the decision of the board to the superior court for the superior court district or set of districts as defined in G.S. 7A-41.1 in which the career employee is ~~employed~~ employed on one or more of the following grounds that the decision:

(1) Is in violation of constitutional provisions.

(2) Is in excess of the statutory authority or jurisdiction of the board.

(3) Was made upon unlawful procedure.

(4) Is affected by other error of law.

(5) Is unsupported by substantial evidence in view of the entire record as submitted.

(6) Is arbitrary or capricious.

This appeal shall be filed within a period of 30 days after notification of the decision of the board. The cost of preparing the transcript shall be determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee who has been demoted or dismissed, or a school administrator whose contract is not renewed, ~~dismissed~~ who has not requested a hearing before the board of education pursuant to this section shall not be entitled to judicial review of the board's action.

(o) Resignation. –

(1) If a career employee has been recommended for dismissal under G.S. 115C-325(e)(1) and the employee chooses to resign without the written agreement of the superintendent, then:

a. The superintendent shall report the matter to the State Board of Education.

b. The career employee shall be deemed to have consented to (i) the placement in the employee's personnel file of the written notice of

the superintendent's intention to recommend dismissal and (ii) the release of the fact that the superintendent has reported this employee to the State Board of Education to prospective employers, upon request. The provisions of G.S. 115C-321 shall not apply to the release of this particular information.

c. The career employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education in a determination whether or not to seek action against the employee's license. This license surrender shall not exceed 45 days from the date of resignation. Provided further that the cessation of the license surrender shall not prevent the State Board of Education from taking any further action it deems appropriate. The State Board of Education shall initiate investigation within five working days of the written notice from the superintendent and shall make a final decision as to whether to revoke or suspend the career employee's license within 45 days from the date of resignation.

(2) A ~~teacher, career or probationary, career~~ employee who is not recommended for dismissal should not resign without the consent of the superintendent unless he or she has given at least 30 days' notice. If a ~~teacher, career~~ employee who is not recommended for dismissal does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the ~~teacher's career~~ employee's license for the remainder of that school year. A copy of the request shall be placed in the ~~teacher's career~~ employee's personnel file.

(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all ~~persons career employees~~ employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human Services and Public Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety regardless of the age of the students.

(p1) Procedure for Dismissal of ~~School Administrators and Teachers Career Employees~~ Employed in Low-Performing Residential Schools. –

(1) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of ~~teachers, principals, assistant principals, directors, supervisors, and other licensed personnel~~ career employees assigned to a residential school that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Part 3A of Article 3 of Chapter 143B of the General Statutes. The Secretary shall dismiss a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee when the Secretary receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the ~~teacher or school administrator, career~~ employee.

The Secretary may dismiss a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee when:

a. The Secretary determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under Part 3A of Article 3 of Chapter 143B of the General Statutes; and

b. That assistance team makes the recommendation to dismiss the ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~career employee for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

Within 30 days of any dismissal under this subdivision, a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~career employee may request a hearing before a panel of three members designated by the Secretary. The Secretary shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of licensed ~~staff members~~career employees who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed ~~staff member~~career employee.

Within 30 days of any dismissal under this subdivision, a licensed ~~staff member~~career employee may request a hearing before a panel of three members designated by the Secretary of Health and Human Services. The Secretary shall adopt procedures to ensure that due process rights are afforded to licensed ~~staff members~~career employees recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

(3) ~~The Secretary of Health and Human Services or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent the Secretary from refusing to renew the contract of any person employed in a school identified as low-performing under Part 3A of Article 3 of Chapter 143B of the General Statutes.~~

(4) ~~Neither party to a school administrator contract is entitled to damages under this subsection.~~

(5) The Secretary of Health and Human Services shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection.

(q) Procedure for Dismissal of School Administrators and TeachersCareer Employees Employed in Low-Performing Schools. –

(1) ~~Notwithstanding any other provision of this section or any other law, this subdivision governs the State Board's dismissal of principals assigned to low-performing schools to which the Board has assigned an assistance team:~~

a. ~~The State Board through its designee may, at any time, recommend the dismissal of any principal who is assigned to a low-performing school to which an assistance team has been assigned. The State Board through its designee shall recommend the dismissal of any principal when the Board receives from the assistance team assigned to that principal's school two consecutive evaluations that include~~

- 1 ~~written findings and recommendations regarding the principal's~~
2 ~~inadequate performance.~~
- 3 b. ~~If the State Board through its designee recommends the dismissal of~~
4 ~~a principal under this subdivision, the principal shall be suspended~~
5 ~~with pay pending a hearing before a panel of three members of the~~
6 ~~State Board. The purpose of this hearing, which shall be held within~~
7 ~~60 days after the principal is suspended, is to determine whether the~~
8 ~~principal shall be dismissed.~~
- 9 e. ~~The panel shall order the dismissal of the principal if it determines~~
10 ~~from available information, including the findings of the assistance~~
11 ~~team, that the low performance of the school is due to the principal's~~
12 ~~inadequate performance.~~
- 13 d. ~~The panel may order the dismissal of the principal if (i) it determines~~
14 ~~that the school has not made satisfactory improvement after the State~~
15 ~~Board assigned an assistance team to that school; and (ii) the~~
16 ~~assistance team makes the recommendation to dismiss the principal~~
17 ~~for one or more grounds established in G.S. 115C-325(e)(1) for~~
18 ~~dismissal or demotion of a career employee.~~
- 19 e. ~~If the State Board or its designee recommends the dismissal of a~~
20 ~~principal before the assistance team assigned to the principal's school~~
21 ~~has evaluated that principal, the panel may order the dismissal of the~~
22 ~~principal if the panel determines from other available information~~
23 ~~that the low performance of the school is due to the principal's~~
24 ~~inadequate performance.~~
- 25 f. ~~In all hearings under this subdivision, the burden of proof is on the~~
26 ~~principal to establish that the factors leading to the school's low~~
27 ~~performance were not due to the principal's inadequate performance.~~
28 ~~In all hearings under sub-subdivision d. of this subdivision, the~~
29 ~~burden of proof is on the State Board to establish that the school~~
30 ~~failed to make satisfactory improvement after an assistance team was~~
31 ~~assigned to the school and to establish one or more of the grounds~~
32 ~~established for dismissal or demotion of a career employee under~~
33 ~~G.S. 115C-325(e)(1).~~
- 34 g. ~~In all hearings under this subdivision, two consecutive evaluations~~
35 ~~that include written findings and recommendations regarding that~~
36 ~~person's inadequate performance from the assistance team are~~
37 ~~substantial evidence of the inadequate performance of the principal.~~
- 38 h. ~~The State Board shall adopt procedures to ensure that due process~~
39 ~~rights are afforded to principals under this subdivision. Decisions of~~
40 ~~the panel may be appealed on the record to the State Board, with~~
41 ~~further right of judicial review under Chapter 150B of the General~~
42 ~~Statutes.~~
- 43 (2) ~~Notwithstanding any other provision of this section or any other law, this~~
44 ~~subdivision shall govern the State Board's dismissal of teachers, assistant~~
45 ~~principals, directors, and supervisors~~career employees ~~assigned to schools~~
46 ~~that the State Board has identified as low-performing and to which the State~~
47 ~~Board has assigned an assistance team under Article 8B of this Chapter. The~~
48 ~~State Board shall dismiss a teacher, assistant principal, director, or~~
49 ~~supervisor~~career employee ~~when the State Board receives two consecutive~~
50 ~~evaluations that include written findings and recommendations regarding~~
51 ~~that person's inadequate performance from the assistance team. These~~

findings and recommendations shall be substantial evidence of the inadequate performance of the ~~teacher or school administrator~~ career employee.

The State Board may dismiss a ~~teacher, assistant principal, director, or supervisor~~ career employee when:

- a. The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.38; and
- b. That assistance team makes the recommendation to dismiss the ~~teacher, assistant principal, director, or supervisor~~ career employee for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career ~~teacher~~ employee.

A ~~teacher, assistant principal, director, or supervisor~~ career employee may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

- (2a) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of licensed ~~staff members~~ career employees who have engaged in a remediation plan under G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed ~~staff member~~ career employee.

A licensed ~~staff member~~ career employee may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to licensed ~~staff members~~ career employees recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

- (3) ~~The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school identified as low performing under G.S. 115C-105.37.~~

- (4) ~~Neither party to a school administrator contract is entitled to damages under this subsection.~~

- (5) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection."

SECTION 2.(c) G.S. 115C-218.90(a)(3) reads as rewritten:

- "(3) If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at a charter school, the local school administrative unit shall grant the leave for one year. For the initial year of a charter 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 a charter 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 school board under this subdivision. A teacher who has received a leave of absence to teach at a charter school may return to a public school in the local school administrative unit at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. ~~Alf a teacher-who~~ has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at a charter school, the teacher may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers ~~and that teacher shall have priority on all positions for which that teacher is qualified~~ in accordance with G.S. 115C-325(e)(2)."

SECTION 2.(d) G.S. 115C-238.68(3) reads as rewritten:

"(3) 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 regional school, the local school administrative unit shall grant the leave for one year. For the initial year of the regional 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 regional 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 school board under this subdivision. A teacher who has received a leave of absence to teach at a regional school may return to a public school in the local school administrative unit at the end of the leave of absence or upon the end of employment at the regional school if an appropriate position is available. ~~Alf a teacher-who~~ has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at the regional school, the teacher may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the regional school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers in accordance with G.S. 115C-325(e)(2)."

SECTION 2.(e) G.S. 115C-287.1 reads as rewritten:

"§ 115C-287.1. Method of employment of principals, assistant principals, supervisors, and directors.

...

(f1) If, prior to appointment as a school administrator, the school administrator held career status as a teacher in the local school administrative unit in which he or she is employed as a school administrator, a school administrator shall retain career status as a teacher if the school administrator is not offered a new, renewed, or extended contract by the local board of education, unless the school administrator voluntarily relinquished career status or is dismissed or demoted pursuant to G.S. 115C-325.

(h) An individual who holds a provisional assistant principal's license and who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school administrator for purposes of this section. Notwithstanding subsection (b) of this section, a local board may enter into one-year contracts with a school administrator who holds a provisional assistant principal's license. If the school administrator held career status as a teacher in the local school administrative unit prior to being employed as an assistant principal and the State Board of Education for any reason does not extend the school administrator's provisional assistant principal's license, the school administrator shall retain career status as a teacher unless the school administrator voluntarily relinquished career status or is dismissed or demoted pursuant to G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be construed to require a local board to extend or renew the contract of a school administrator who holds a provisional assistant principal's license."

SECTION 2.(f) G.S. 115C-296(b)(1)a.1. reads as rewritten:

"1. Continuing licensure of a teacher as defined in ~~G.S. 115C-325(6)~~ G.S. 115C-325(6), or a teacher as defined in G.S. 115C-325.1(6), who has (i) 30 or more years of teaching experience in North Carolina upon the date of retirement of the teacher and (ii) served as a substitute teacher at least once every three years since retirement."

SECTION 2.(g) G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter. In addition, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 2003-2004 school year for any school year thereafter. In addition, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 2014-2015 school year for any school year thereafter.

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

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or G.S. 115C-325.4 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. The request shall be filed in the local school administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the

1 local school administrative unit. Teachers employed for a period of less than 10 months shall
2 not receive their salaries in 12 installments.

3 Notwithstanding this subsection, the term "daily rate of pay" for the purpose of G.S.
4 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary
5 schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

6 **SECTION 2.(h)** G.S. 115C-325.1 reads as rewritten:

7 **"§ 115C-325.1. Definitions.**

8 ~~As~~Except as otherwise provided in G.S. 115C-325, as used in this Part, the following
9 definitions apply:

10"

11 **SECTION 2.(i)** G.S. 115C-404(b) reads as rewritten:

12 "(b) Documents received under this section shall be used only to protect the safety of or
13 to improve the education opportunities for the student or others. Information gained in
14 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
15 student. Upon receipt of each document, the principal shall share the document with those
16 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
17 and (ii) a specific need to know in order to protect the safety of the student or others. Those
18 individuals shall indicate in writing that they have read the document and that they agree to
19 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
20 required by this section is grounds for the dismissal of an employee who is not employed on
21 contract, grounds for dismissal of an employee on contract in accordance with G.S.
22 115C-325.4(a)(9), and grounds for dismissal of an employee who is a career ~~teacher~~employee
23 in accordance with G.S. 115C-325(e)(1)i."

24 **SECTION 2.(j)** G.S. 116-239.10(4) reads as rewritten:

25 "(4) Leave of absence from local school administrative unit. – If a teacher
26 employed by a local school administrative unit makes a written request for a
27 leave of absence to teach at the lab school, the local school administrative
28 unit shall grant the leave for one year. For the initial year of the lab school's
29 operation, the local school administrative unit may require that the request
30 for a leave of absence be made up to 45 days before the teacher would
31 otherwise have to report for duty. After the initial year of the lab school's
32 operation, the local school administrative unit may require that the request
33 for a leave of absence be made up to 90 days before the teacher would
34 otherwise have to report for duty. A local board of education is not required
35 to grant a request for a leave of absence or a request to extend or renew a
36 leave of absence for a teacher who previously has received a leave of
37 absence from that local board under this subdivision. A teacher who has
38 received a leave of absence to teach at a lab school may return to a public
39 school in the local school administrative unit at the end of the leave of
40 absence or upon the end of employment at the lab school if an appropriate
41 position is available. ~~If a teacher—~~who has career status under
42 G.S. 115C-325 prior to receiving a leave of absence to teach at the lab
43 school, the teacher may return to a public school in the local school
44 administrative unit with career status at the end of the leave of absence or
45 upon the end of employment at the lab school if an appropriate position is
46 available. If an appropriate position is unavailable, the teacher's name shall
47 be placed on a list of available teachers in accordance with
48 G.S. 115C-325(e)(2)."

49 **SECTION 2.(k)** G.S. 143B-146.8(b) reads as rewritten:

50 "(b) Action Plans. – If a licensed employee in a participating school that has been
51 identified as low-performing receives an unsatisfactory or below standard rating on any

function of the evaluation that is related to the employee's instructional duties, the individual or team that conducted the evaluation shall recommend to the principal that: (i) the employee receive an action plan designed to improve the employee's performance; or (ii) the principal recommend that the employee who is a career ~~teacher~~employee be dismissed or demoted as provided in G.S. 115C-325 or the employee who is a teacher on contract not be recommended for renewal; or (iii) if the employee who is a teacher on contract engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment that a proceeding for immediate dismissal or demotion under G.S. 115C-325.4 be instituted. The principal shall determine whether to develop an action plan, to not recommend renewal of the employee's contract, or to recommend a dismissal proceeding. The person who evaluated the employee or the employee's supervisor shall develop the action plan unless an assistance team or assessment team conducted the evaluation. If an assistance team or assessment team conducted the evaluation, that team shall develop the action plan in collaboration with the employee's supervisor. Action plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The State Board shall develop guidelines that include strategies to assist in evaluating licensed personnel and developing effective action plans within the time allotted under this section. The State Board may adopt policies for the development and implementation of action plans or professional development plans for personnel who do not require action plans under this section."

SECTION 2.(f) Section 9.6(i) of S.L. 2013-360 is repealed.

SECTION 2.(m) Section 9.6(j) of S.L. 2013-360 reads as rewritten:

"SECTION 9.6.(j) Subsection (b) of this section becomes effective July 1, 2014. G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers on ~~one or one-, two-, or four-year contracts beginning July 1, 2014. G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers employed by local boards of education or the State on or after July 1, 2018.~~"

SECTION 2.(n) Sections 9.7(o) through 9.7(t) of S.L. 2013-360 and Sections 9.7(v) through 9.7(x) of S.L. 2013-360 are repealed.

SECTION 2.(o) Section 9.7(y) of S.L. 2013-360 reads as rewritten:

"SECTION 9.7.(y) Subsection (u) of this section becomes effective August 1, 2013. Subsections (a) through (n) of this section become effective July 1, 2014. ~~Subsections (o) through (t) and (v) through (x) become effective June 30, 2018.~~"

SECTION 2.(p) Section 8.38(c) of S.L. 2015-241 is repealed.

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

PART III: AUTHORIZE ASSISTANT PRINCIPALS AT CERTAIN SCHOOLS TO CONDUCT EVALUATIONS FOR BEGINNING TEACHERS

SECTION 3.(a) G.S. 115C-333(a) reads as rewritten:

"(a) Annual Evaluations; Low-Performing Schools. – Local school administrative units shall evaluate at least once each year all licensed employees assigned to a school that has been identified as low-performing. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of a mandatory improvement plan if one is recommended under subsection (b) of this section. If the employee is a teacher with career status as defined under G.S. 115C-325(a)(6), or a teacher as defined under G.S. 115C-325.1(6), either the principal, the assistant principal who supervises the teacher, or an assistance team assigned under G.S. 115C-105.38 shall conduct the evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct the evaluation.

All teachers in low-performing schools who have been employed for less than three consecutive years shall be observed at least three times annually by the principal or the

principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. For high schools with at least 1500 students, the annual evaluation may be conducted by an assistant principal, provided that at least one evaluation in such a teacher's first three years of employment is conducted by a principal. All teachers in low-performing schools who have been licensed as a teacher for less than two years shall be observed at least three times annually by the principal or the principal's designee, at least once annually by a teacher, and at least once annually by a principal, and at least two of those observations shall be conducted in the first semester of the school year, and if practicable, at least one of those observations shall be conducted within the first grading period of the school year. This section shall not be construed to limit the duties and authority of an assistance team assigned to a low-performing school under G.S. 115C-105.38.

A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board."

SECTION 3.(b) G.S. 115C-333.1(a) reads as rewritten:

"(a) Annual Evaluations. – All teachers who are assigned to schools that are not designated as low-performing and who have not been employed for at least three consecutive years shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. For high schools with at least 1500 students, the annual evaluation may be conducted by an assistant principal, provided that at least one evaluation in such a teacher's first three years of employment is conducted by a principal. All teachers who are assigned to schools that are not designated as low-performing and who have been licensed as a teacher for less than two years shall be observed at least three times annually by the principal or the principal's designee, at least once annually by a teacher, and at least once annually by a principal, and at least two of those observations shall be conducted in the first semester of the school year, and if practicable, at least one of those observations shall be conducted within the first grading period of the school year. All teachers with career status or on a four-year contract who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow teachers with career status or on a four-year contract to be evaluated more or less frequently, provided that such rules are not inconsistent with State or federal requirements. Local boards also may adopt rules requiring the annual evaluation of nonlicensed employees. A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board."

SECTION 3.(c) This section is effective when it becomes law, and applies beginning with the 2017-2018 school year.

PART IV: SUPERINTENDENT STUDY STUDENT HEALTH ISSUES

SECTION 4.(a) The Superintendent of Public Instruction shall convene a Work Group to study effective and positive intervention measures or policy changes to address risky behaviors and encourage student health and mental health. The Work Group shall consist of personnel from within the Department of Public Instruction with expertise in student health issues, including mental health, as well as personnel from the Department of Health and Human Services, Division of Public Health. The Superintendent may also appoint representatives from various public and private stakeholder groups as well as representatives from local school administrative units and charter schools. The Superintendent shall report on the Work Group's findings and recommendations to the State Board of Education and the Joint Legislative Education Oversight Committee by April 1, 2018.

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

PART V: STATE BOARD OF EDUCATION INTERAGENCY ADVISORY COMMITTEE AND SCHOOL-BASED MENTAL HEALTH INITIATIVE DELAY IMPLEMENTATION

SECTION 5.(a) The State Board of Education shall not adopt or implement any policies or recommendations from the Interagency Advisory Committee established by the State Board of Education in Policy ADVS-009 until October 1, 2018.

SECTION 5.(b) The State Board of Education shall change the timelines for the development and implementation of plans and training required by Policy SHLT-003 regarding school-based student mental health initiatives as follows for local school administrative units: (i) development of the plans to assess mental health and substance use needs shall occur during the 2018-2019 school year; (ii) the implementation plan and three-year review cycle shall commence in the 2019-2020 school year; and (iii) school mental health training will be provided by the Department of Public Instruction to the local school administrative units during the 2019-2020 school year. The State Board of Education shall change the timelines for the development and implementation of plans and training required by Policy SHLT-003 regarding school-based student mental health initiatives as follows for charter schools: (i) development of the plans to assess mental health and substance use needs shall occur during the 2019-2020 school year; (ii) the implementation plan and three-year review cycle shall commence in the 2020-2021 school year; and (iii) school mental health training will be provided by the Department of Public Instruction to charter schools during the 2020-2021 school year.

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

PART VI: STUDY/EXPAND COMPUTER SCIENCE TO ALL STUDENTS

SECTION 6.(a) The Superintendent of Public Instruction and the Department of Public Instruction, in collaboration with the Friday Institute for Educational Innovation at North Carolina State University (Friday Institute) and the North Carolina School of Science and Mathematics (NC School of Science and Math), shall develop recommendations to further the teaching and student learning of computational thinking and computer science in North Carolina K-12 schools. In developing recommendations, the Superintendent and the Department, in collaboration with the Friday Institute and the NC School of Science and Math, shall do at least the following:

- (1) Develop curriculum guidelines that are aligned with K-12 Computer Science Framework (October 2016) developed by the CSforAll Consortium.
- (2) Develop recommendations to increase the number of teachers prepared to teach computational thinking and computer science, addressing both preservice educator preparation for teachers and professional development for in-service teachers.
- (3) Develop policy recommendations.
- (4) Align recommendations with the ongoing implementation of the Digital Learning Plan in North Carolina by the Department and the Friday Institute.

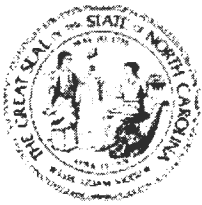
SECTION 6.(b) By January 15, 2018, the Superintendent of Public Instruction shall report to the Joint Legislative Education Oversight Committee on the recommendations, including any proposed legislation, developed in accordance with this act.

SECTION 6.(c) This section is effective when it becomes law.

PART VII: EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act is effective when it becomes law.





HOUSE BILL 800: Various Changes to Charter School Laws.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 20, 2017
Introduced by:	Reps. Bradford, Saine, Stone, Grange	Prepared by:	Drupti Chauhan
Analysis of:	PCS to Third Edition H800-CSRQ-12		Kara McCraw Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 800 makes various changes to charter school laws and the North Carolina Virtual Public School.*

PART I: Allow Employees of Education or Charter Management Organizations to Serve as Teachers

Current Law: G.S. 115C-218.90 requires the charter school's board of directors to employ and contract with teachers for the charter schools.

Bill Analysis: The board of directors would also be able to contract with an education management organization or charter management organization to employ and provide teachers for the school.

PART II: Modify Decision Timeline for Charter School Fast-Track Replication Application Process

Current Law: S.L. 2016-79 requires State Board of Education (SBE) rules for the fast-track replication process for charters provide that decisions by the SBE on whether to grant a charter through the replication process be completed no later than October 15 of the year immediately preceding the year of the proposed school opening.

Bill Analysis: The PCS would require the rules to provide that decisions be completed in less than 120 days from the application submission date for fast track replications.

Effective Date: This section would be effective when the bill became law and would apply beginning with applications submitted for fast-track replication of schools opening in the 2018-2019 school year.

PART III: Expansion of Growth Exception for Material Revisions of Charters

Current Law: Enrollment growth of more than 20% is considered a material revision of a charter and requires approval by the SBE. The SBE may approve enrollment growth of greater than 20% only if it finds 5 specific items including: (i) actual enrollment is within 10% of maximum authorized enrollment; (ii) there are commitments for 90% of the requested maximum growth; (iii) the school is not identified as low-performing; (iv) the school meets generally accepted standards of fiscal management; and (v) the school is substantially in compliance with the law, its own by-laws and its charter.

Bill Analysis: The PCS would provide that enrollment growth of greater than 25% is to be considered a material revision of a charter and would require approval by the SBE.

Effective Date: This section is effective when it becomes law and applies to approvals for material changes on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 800

Page 2

PART IV: Enrollment Priorities for Students Previously Enrolled in Charters

Current Law: Charter schools may give enrollment priority to various groups of students including siblings; children of the schools' employees and boards of directors (limited to 15% of the enrollment unless a waiver is granted by the SBE); and students enrolled in other charter schools in the previous year that do not offer the student's next grade level.

Bill Analysis: The PCS would add another enrollment priority category for students who were enrolled in another charter school in the State in the previous school year.

PART V: Charter Schools and NC Pre-K

Current Law: Charter schools can currently run NC Pre-K programs if they meet the requirements of the program, including the rules and regulations for child care established by the Division of Child Development and Early Education at the Department of Health and Human Services, such as having teachers licensed in birth through kindergarten. Traditional public schools do have an exemption from building standards for a child care facility under G.S. 115C-521.1.

Bill Analysis: The PCS directs the Office of Charter Schools to assist charter schools that wish to participate in the NC Pre-K program. It also allows a charter school to give enrollment priority to a student who was enrolled in a preschool program in the prior year that was operated by that charter school. Finally, the PCS creates a new statute that specifies that charter schools may apply to participate in the NC Pre-K program as a local program site. A charter school can request assistance from the Office of Charter Schools regarding its application if it meets the following: (i) has operated as charter school for at least 3 school years; (ii) is not identified as low-performing; (iii) meets generally accepted standards of fiscal management; and (iv) is in substantial compliance with the law, its own by-laws and its charter.

The Office of Charter Schools along with the Division of Child Development and Early Education at the Department of Health and Human Services must assist a charter school with determining whether the charter school's proposed program would meet the specific building standards set out below and any other State standards required for the charter school to be licensed as a child care facility and site standards for NC Pre-K. Charter schools that otherwise meet all of the requirements for a child care facility license may use an existing or newly constructed classroom for 3 and 4 year old students without modifications if the classroom meets the following: (i) has at least 1 toilet and sink for hand washing; (ii) meets kindergarten standards for overhead light fixtures, floor, walls, and ceilings; and (iii) has floors, walls, and ceiling that are mold, mildew, and lead hazard free. These standards are the same as what is required of the traditional public schools. G.S. 115C-521.1.

PART VI: North Carolina Virtual Public School (NCVPS)

Bill Analysis: The PCS would make modifications to the NCVPS, that include: (i) providing that the Director of NCVPS must ensure that course quality standards are met for courses developed by NCVPS; and (ii) repealing the requirement that all e-learning opportunities are consolidated under NCVPS. The provision also allows local school administrative units to partner with providers other than NCVPS for e-learning opportunities. These other providers must (i) be accredited by a regional accrediting agency; (ii) employ teachers who hold teaching licenses from states that are in the NASDTEC Educator Identification Clearinghouse; and (iii) ensure that the courses offered to North Carolina students are aligned to the North Carolina Standard Course of Study.

Effective Date: This section is effective when it becomes law.

PART VII: Effective Date Except as otherwise provided, the bill would become effective when it becomes law and apply beginning with the 2017-2018 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 800
Committee Substitute Favorable 4/24/17
Third Edition Engrossed 4/25/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H800-CSRQ-12 [v.3]
06/19/2017 7:16:30 PM

Short Title: Various Changes to Charter School Laws.

(Public)

Sponsors:

Referred to:

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING CHARTER
3 SCHOOLS.

4 The General Assembly of North Carolina enacts:

5
6 PART I. ALLOW EMPLOYEES OF EDUCATION OR CHARTER MANAGEMENT
7 ORGANIZATIONS TO SERVE AS TEACHERS

8 SECTION 1. G.S. 115C-218.90(a)(1) reads as rewritten:

9 "(1) An employee of a charter school is not an employee of the local school
10 administrative unit in which the charter school is located. The charter
11 school's board of directors shall employ and contract with necessary teachers
12 or contract with an education management organization or charter
13 management organization to employ and provide teachers to perform the
14 particular service for which they are employed in the school; at least fifty
15 percent (50%) of these teachers shall hold teacher licenses. All teachers who
16 are teaching in the core subject areas of mathematics, science, social studies,
17 and language arts shall be college graduates.

18 The board also may employ necessary employees who are not required
19 to hold teacher licenses to perform duties other than teaching and may
20 contract for other services. The board may discharge teachers and
21 nonlicensed employees."
22

23 PART II. MODIFY THE DECISION TIME LINE FOR THE CHARTER SCHOOL
24 FAST-TRACK REPLICATION APPLICATION PROCESS

25 SECTION 2.(a) Section 6.5 of S.L. 2014-101, as amended by Section 2 of S.L.
26 2016-79, reads as rewritten:

27 "SECTION 6.5. Upon recommendations by the Office of Charter Schools and the Charter
28 Schools Advisory Board, the State Board of Education shall adopt a process and rules for
29 fast-track replication of high-quality charter schools currently operating in the State. The State
30 Board of Education shall not require a planning year for applicants selected through the
31 fast-track replication process. In addition to the requirements for charter applicants set forth in
32 Part 6A of Article 16 of Chapter 115C of the General Statutes, the fast-track replication process
33 adopted by the State Board of Education shall, at a minimum, require a board of directors of a
34 charter school to demonstrate one of the following in order to qualify for fast-track replication:



- (1) A charter school in this State governed by the board of directors has student academic outcomes that are comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located and can provide three years of financially sound audits.
- (2) The board of directors agrees to contract with an education management organization or charter management organization that can demonstrate that it can replicate high-quality charter schools in the State that have proven student academic success and financial soundness.

The State Board of Education shall ensure that the rules for a fast-track replication process provide that decisions by the State Board of Education on whether to grant a charter through the replication process are completed in less than 120 days from the application submission date. The State Board shall provide a decision no later than October 15 of the year immediately preceding the year of the proposed school opening. The State Board of Education shall adopt rules and procedures required by this section within 90 days of the effective date of this act, and report to the Joint Legislative Education Oversight Committee within 120 days of the effective date of this act."

SECTION 2.(b) This section is effective the date this act becomes law and applies beginning with applications submitted for fast-track replication of schools opening in the 2018-2019 school year.

PART III. EXPANSION OF GROWTH EXCEPTION FOR MATERIAL REVISIONS OF CHARTERS

SECTION 3.(a) G.S. 115C-218.7(b) reads as rewritten:

"(b) Enrollment growth of greater than ~~twenty percent (20%)~~ twenty-five percent (25%) shall be considered a material revision of the charter. The State Board may approve such additional enrollment growth of greater than ~~twenty percent (20%)~~ twenty-five percent (25%) only if it finds all of the following:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.
- (3) The charter school is not currently identified as low-performing.
- (4) The charter school meets generally accepted standards of fiscal management.
- (5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board."

SECTION 3.(b) G.S. 115C-218.8 reads as rewritten:

"§ 115C-218.8. Nonmaterial revisions of charters.

It shall not be considered a material revision of a charter and shall not require prior approval of the State Board for a charter school to do any of the following:

- (1) Increase its enrollment during the charter school's second year of operation and annually thereafter by up to ~~twenty percent (20%)~~ twenty-five percent (25%) of the school's previous year's enrollment.
- (2) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.
- (3) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as continually low-performing as provided in

G.S. 115C-218.94, and (iii) has been in financial compliance as required by the State Board."

SECTION 3.(c) This section is effective when it becomes law and applies to approvals for material changes on or after that date.

PART IV. ENROLLMENT PRIORITIES FOR STUDENTS PREVIOUSLY ENROLLED IN CHARTERS

SECTION 4. G.S. 115C-218.45(f) reads as rewritten:

"(f) The charter school may give enrollment priority to any of the following:

- (1) Siblings of currently enrolled students who were admitted to the charter school in a previous year. For the purposes of this section, the term "siblings" includes any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.
- (2) Siblings of students who have completed the highest grade level offered by that school and who were enrolled in at least four grade levels offered by the charter school or, if less than four grades are offered, in the maximum number of grades offered by the charter school.
- (3) Limited to no more than fifteen percent (15%) of the school's total enrollment, unless granted a waiver by the State Board of Education, the following:
 - a. Children of the school's full-time employees.
 - b. Children of the charter school's board of directors.
- (4) A student who was enrolled in the charter school within the two previous school years but left the school (i) to participate in an academic study abroad program or a competitive admission residential program or (ii) because of the vocational opportunities of the student's parent.
- (5) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level.
- (6) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level and both of the charter schools have an enrollment articulation agreement to accept students or are governed by the same board of directors.
- (7) A student who was enrolled in another charter school in the State in the previous school year."

PART V. CHARTER SCHOOLS AND NC PRE-K

SECTION 5.(a) G.S. 115C-218(c)(3) reads as rewritten:

- "(3) Powers and duties. – The Office of Charter Schools shall have the following powers and duties:
- a. Serve as staff to the Advisory Board and fulfill any task and duties assigned to it by the Advisory Board.
 - b. Provide technical assistance and guidance to charter schools operating within the State.
 - c. Provide technical assistance and guidance to nonprofit corporations seeking to operate charter schools within the State.
 - d. Provide or arrange for training for charter schools that have received preliminary approval from the State Board.
 - e. Assist approved charter schools and charter schools seeking approval from the State Board in coordinating services with the Department of Public Instruction.

e1. Assist certain charter schools seeking to participate in the NC prekindergarten program in accordance with G.S. 115C-218.115.

f. Other duties as assigned by the State Board."

SECTION 5.(b) G.S. 115C-218.45(f), as amended by Section 4 of this act, reads as rewritten:

"(f) The charter school may give enrollment priority to any of the following:

- (1) Siblings of currently enrolled students who were admitted to the charter school in a previous year. For the purposes of this section, the term "siblings" includes any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.
- (2) Siblings of students who have completed the highest grade level offered by that school and who were enrolled in at least four grade levels offered by the charter school or, if less than four grades are offered, in the maximum number of grades offered by the charter school.
- (2a) A student who was enrolled in a preschool program operated by the charter school in the prior year.
- (3) Limited to no more than fifteen percent (15%) of the school's total enrollment, unless granted a waiver by the State Board of Education, the following:
 - a. Children of the school's full-time employees.
 - b. Children of the charter school's board of directors.
- (4) A student who was enrolled in the charter school within the two previous school years but left the school (i) to participate in an academic study abroad program or a competitive admission residential program or (ii) because of the vocational opportunities of the student's parent.
- (5) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level.
- (6) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level and both of the charter schools have an enrollment articulation agreement to accept students or are governed by the same board of directors.
- (7) A student who was enrolled in another charter school in the State in the previous school year."

SECTION 5.(c) Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-218.115. Operation of NC Pre-K programs.

(a) A charter school may apply to a local contracting agency to participate in the NC prekindergarten (NC Pre-K) program as a local program site offering families a high-quality prekindergarten experience. A charter school that seeks to operate as a NC Pre-K program site may request administrative and technical assistance from the Office of Charter Schools with its application to the local contracting agency if the charter school meets all of the following:

- (1) The charter school has operated as a charter school for at least three school years.
- (2) The charter school is not currently identified as low-performing.
- (3) The charter school meets generally accepted standards of fiscal management.
- (4) The charter school is substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board.

(b) The Office of Charter Schools, in consultation with the Department of Health and Human Services, Division of Child Development and Early Education, shall assist a charter school under subsection (a) of this section with determining whether the charter school's

1 proposed program meets (i) the building standards set forth in subsection (c) of this section and
2 any other State standards for the charter school to be licensed as a child care facility and (ii) the
3 standards required to be selected as a site under the NC Pre-K program. If the charter school
4 does not meet these standards, the Office of Charter Schools shall provide assistance to the
5 charter school in identifying any obstacles to its participation in the NC Pre-K program.

6 (c) A charter school that otherwise meets all of the requirements for a child care facility
7 license may use an existing or newly constructed classroom in the charter school for three- and
8 four-year-old preschool students without modifications to the classroom or building if the
9 classroom meets all of the following:

- 10 (1) Has at least one toilet and one sink for hand washing.
- 11 (2) Meets kindergarten standards for overhead light fixtures.
- 12 (3) Meets kindergarten standards for floors, walls, and ceilings.
- 13 (4) Has floors, walls, and ceilings that are free from mold, mildew, and lead
14 hazards."

16 PART VI. NORTH CAROLINA VIRTUAL PUBLIC SCHOOL

17 **SECTION 6.(a)** Section 7.22(h) of S.L. 2011-145, as amended by Section 88 of
18 S.L. 2014-115, reads as rewritten:

19 "SECTION 7.22.(h) Beginning in 2011, the Director of NCVPS shall submit an annual
20 report on NCVPS to the State Board of Education no later than December 15 of each year. The
21 report shall use data from the previous fiscal year and shall include statistics on actual versus
22 projected costs to local school administrative units and charter schools, student enrollment,
23 virtual teacher salaries, and measures of academic achievement.

24 The Director of NCVPS shall continue to ensure the following:

- 25 (1) Course quality standards are established and met for courses developed
26 by NCVPS.
- 27 (2) ~~All e-learning opportunities other than virtual charter schools offered by~~
28 ~~State-funded entities to public school students are consolidated under the~~
29 ~~NCVPS program, eliminating course duplication.~~
- 30 (3) All courses offered through NCVPS are aligned to the North Carolina
31 Standard Course of Study."

32 **SECTION 6.(b)** Notwithstanding any other provision of law, local school
33 administrative units may partner with eligible providers other than the North Carolina Virtual
34 Public School for e-learning opportunities. Eligible providers shall meet all of the following:

- 35 (1) Be accredited by a regional accrediting agency such as but not limited to,
36 AdvancEd or the Southern Association of Colleges and Schools (SACS).
- 37 (2) Employ teachers who hold teaching licenses from states that participate in
38 the NASDTEC Educator Identification Clearinghouse.
- 39 (3) Ensure that courses offered to North Carolina students are aligned to the
40 North Carolina Standard Course of Study.

41 **SECTION 6.(c)** This section becomes effective when it becomes law.

43 PART VII. EFFECTIVE DATE

44 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
45 law and applies beginning with the 2017-2018 school year.

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Education/Higher Education

Senate Committee

June 21, 2017

Room 544 LOB

12:00 PM

Senate Sergeant-at-Arms:

Larry Hancock

Jim Hamilton

Tom Burroughs



Senate Pages Attending

COMMITTEE: Education... ROOM: 544 LOB

DATE: 6-21 TIME: Noon

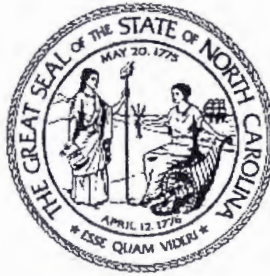
PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

	Page Name	Hometown	Sponsoring Senator
1.	Wilson Matsuo	Cary	Barringer
2.	Minu Lee	Raleigh	Alexander
3.	Eryn Haynes	Roxboro	Woodard
4.	Lara Kowalczyk	Chapel Hill	Foushee
5.	Esmé Wheeler	Durham	Woodard
6.	Bess Bridgen	Carrboro	McKissick
7.	Nia Bone	Raleigh	Blue
8.	Tallulah Cloos	Asheville	Van Duyen

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.







Education/Higher Education

Senate Committee

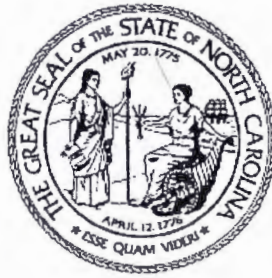
June 21, 2017

544 LOB, 12 NOON

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Bryce Jackson	Focus Carolina
Wife French	NCAT
Wife French	NCAT
Jillian Tolman	MWCLLC
Deb Clary	NCSP
Deb Clary	NCSP
Rachel Blair	NCICU
Tom West	NCASA
Tom West	NCASA
Bruce Aldworth	NCSKA
Leanne Wimer	NCSBA
Sam WATZ	NCDSI
Josh Perkins	Perkins & Co
Bruce Pollock	UNC





Education/Higher Education

Senate Committee

June 21, 2017

544 LOB, 12 NOON

PLEASE SIGN IN BELOW

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BILLS PASSED OUT OF COMMITTEE 2018

Date: 05/30/2018

Bill No. HB514

Title: Permit Municipal Charter School/Certain Towns

Date: 06/06/2018

Bill No. HB92

Title: Cherokee Reg. Plate/Teaching Agreement

Date: 06/13/2018

Bill No. HB986

Title: Various Changes to Education Laws

Date: 06/13/2018

Bill No. HB611

Title: Employment Contract Exception





ATTENDANCE

Committee: Education/Higher Education[illegible]



Senate Committee on Education/Higher Education
Wednesday, May 30, 2018 at 12:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on May 30, 2018 in Room 544 of the Legislative Office Building. 20 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting and recognized the Senate Sergeant-At-Arms and Senate Pages.

HB 514: Permit Municipal Charter School/Certain Towns. (Representative Brawley)

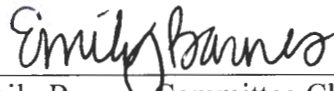
Senator Lee introduced Representative Brawley to explain the bill to the committee. Senator Tarte offered Amendment H514-ABEp-82[v.4] and explained the amendment. Members of the committee discussed the amendment. Senator Tarte made a motion to approve the amendment. The motion was approved. Committee discussion followed concerning the bill as amended.

Charles Jeter, Government Relations, Charlotte-Mecklenburg Schools, spoke on the bill. Leanne Winner, Director of Governmental Relations, NC School Boards Association, and Bryan Holloway, Lobbyist, NC Association of School Administrators also spoke on the bill and stated concerns. Committee members further discussed the bill as amended. Senator Cook made a motion for the bill to be favorable as amended. The motion was approved.

The meeting adjourned at 1:09 PM.



Senator Michael V. Lee, Chair
Presiding



Emily Barnes, Committee Clerk



Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	May 30, 2018	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 514</u>	Permit Municipal Charter School/Certain Towns.	Representative Brawley

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Wednesday, May 30, 2018, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 514	Permit Municipal Charter School/Certain Towns.	Representative Brawley

Committee Discussion

Other Business

Adjournment



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 514
Committee Substitute Favorable 4/24/17

Short Title: Permit Municipal Charter School/Certain Towns.

(Local)

Sponsors:

Referred to:

March 29, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT CERTAIN TOWNS TO OPERATE CHARTER SCHOOLS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115C-218 reads as rewritten:

5 "§ 115C-218. Purpose of charter schools; definitions; establishment of North Carolina
6 Charter Schools Advisory Board and North Carolina Office of Charter
7 Schools.

8 ...

9 (a1) Definitions. – For the purposes of this Article, the following definitions apply:

10 (1) Board of directors or charter board. – Any of the following:

11 a. The board of directors of a nonprofit corporation.

12 b. The governing body of a municipality who serve ex officio as the
13 board of directors of a charter school granted to a municipality.

14 c. A board of directors appointed to govern a charter school granted to a
15 municipality by the governing body of that municipality.

16 (2) Nonprofit corporation. – A private nonprofit corporation that receives
17 federal tax exempt status no later than 24 months following final approval of
18 the charter.

19 ...

20 (c) North Carolina Office of Charter Schools. –

21 ...

22 (3) Powers and duties. – The Office of Charter Schools shall have the following
23 powers and duties:

24 a. Serve as staff to the Advisory Board and fulfill any task and duties
25 assigned to it by the Advisory Board.

26 b. Provide technical assistance and guidance to charter schools
27 operating within the State.

28 c. Provide technical assistance and guidance to nonprofit corporations
29 or municipalities seeking to operate charter schools within the State.

30 d. Provide or arrange for training for charter schools that have received
31 preliminary approval from the State Board.

32 e. Assist approved charter schools and charter schools seeking approval
33 from the State Board in coordinating services with the Department of
34 Public Instruction.

35 f. Other duties as assigned by the State Board.

36"



* H 5 1 4 - V - 2 *

1 **SECTION 2.** G.S. 115C-218.1 reads as rewritten:

2 **"§ 115C-218.1. Eligible applicants; contents of applications; submission of applications**
3 **for approval.**

4 (a) Any nonprofit corporation or municipality seeking to establish a charter school may
5 apply to establish a charter school. If the applicant seeks to convert a public school to a charter
6 school, the application shall include a statement signed by a majority of the teachers and
7 instructional support personnel currently employed at the school indicating that they favor the
8 conversion and evidence that a significant number of parents of children enrolled in the school
9 favor conversion.

10 (b) The application shall contain at least the following information:

11 ...

12 (3) The governance structure of the ~~school including the school~~ as follows:

13 a. For nonprofit corporation applicants. – The names of the initial
14 members of the board of directors of the ~~nonprofit, tax-exempt~~
15 nonprofit corporation and the process to be followed by the school to
16 ensure parental involvement. A teacher employed by the board of
17 directors of a nonprofit corporation to teach in the charter school may
18 serve as a nonvoting member of the board of directors for the charter
19 school.

20 b. For municipal applicants. – The names of the governing board of the
21 municipality, and if the members of the governing board will not
22 serve ex officio as the board of directors, the members of the board
23 of directors appointed to govern the charter school by the
24 municipality. The process to be followed by the school to ensure
25 parental involvement shall also be included.

26 "

27 **SECTION 3.** G.S. 115C-218.15 reads as rewritten:

28 **"§ 115C-218.15. Charter school operation.**

29 (a) A charter school that is approved by the State shall be a public school within the
30 local school administrative unit in which it is located. All charter schools shall be accountable
31 to the State Board for ensuring compliance with applicable laws and the provisions of their
32 charters.

33 (b) A charter school shall be operated by ~~a private nonprofit corporation that shall have~~
34 ~~received federal tax-exempt status no later than 24 months following final approval of the~~
35 ~~application.~~ one of the following:

36 (1) A nonprofit corporation.

37 (2) A municipality.

38 (b1) The board of directors of ~~the a nonprofit corporation operating a charter schools~~
39 school shall adopt a conflict of interest and anti-nepotism policy that includes, at a minimum,
40 the following:

41 (1) The requirements of Chapter 55A of the General Statutes related to conflicts
42 of interest.

43 (2) A requirement that before any immediate family, as defined in
44 G.S. 115C-12.2, of any member of the board of directors or a charter school
45 employee with supervisory authority shall be employed or engaged as an
46 employee, independent contractor, or otherwise by the board of directors in
47 any capacity, such proposed employment or engagement shall be (i)
48 disclosed to the board of directors and (ii) approved by the board of directors
49 in a duly called open-session meeting. The burden of disclosure of such a
50 conflict of interest shall be on the applicable board member or employee
51 with supervisory authority. If the requirements of this subsection are

1 complied with, the charter school may employ immediate family of any
2 member of the board of directors or a charter school employee with
3 supervisory authority.

- 4 (3) A requirement that a person shall not be disqualified from serving as a
5 member of a charter school's board of directors because of the existence of a
6 conflict of interest, so long as the person's actions comply with the school's
7 conflict of interest policy established as provided in this subsection and
8 applicable law.

9 (b2) The board of directors of a municipal charter school shall adopt a conflict of interest
10 and anti-nepotism policy related to the charter school that includes, at a minimum, the
11 requirements of subdivisions (2) and (3) of subsection (b1) of this section.

12"

13 **SECTION 4.** G.S. 115C-218.25 reads as rewritten:

14 **"§ 115C-218.25. Open meetings and public records.**

15 The charter school and board of directors ~~of the private nonprofit corporation~~ that operates
16 the charter school are subject to the Public Records Act, Chapter 132 of the General Statutes,
17 and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes.
18 Notwithstanding the requirements of Chapter 132 of the General Statutes, inspection of charter
19 school personnel records for those employees directly employed by the board of directors of the
20 charter school shall be subject to the requirements of Article 21A of this Chapter. The charter
21 school and board of directors ~~of the private nonprofit corporation~~ that operates the charter
22 school shall use the same schedule established by the Department of Natural and Cultural
23 Resources for retention and disposition of records of local school administrative units."

24 **SECTION 5.** G.S. 115C-218.45(f) reads as rewritten:

25 "(f) The charter school may give enrollment priority to any of the following:

- 26 (1) Siblings of currently enrolled students who were admitted to the charter
27 school in a previous year. For the purposes of this section, the term
28 "siblings" includes any of the following who reside in the same household:
29 half siblings, stepsiblings, and children residing in a family foster home.
30 (2) Siblings of students who have completed the highest grade level offered by
31 that school and who were enrolled in at least four grade levels offered by the
32 charter school or, if less than four grades are offered, in the maximum
33 number of grades offered by the charter school.
34 (3) Limited to no more than fifteen percent (15%) of the school's total
35 enrollment, unless granted a waiver by the State Board of Education, the
36 following:
37 a. Children of the school's full-time employees.
38 b. Children of the charter school's board of directors.
39 (4) A student who was enrolled in the charter school within the two previous
40 school years but left the school (i) to participate in an academic study abroad
41 program or a competitive admission residential program or (ii) because of
42 the vocational opportunities of the student's parent.
43 (5) A student who was enrolled in another charter school in the State in the
44 previous school year that does not offer the student's next grade level.
45 (6) A student who was enrolled in another charter school in the State in the
46 previous school year that does not offer the student's next grade level and
47 both of the charter schools have an enrollment articulation agreement to
48 accept students or are governed by the same board of directors.
49 (7) If the charter school is operated by a municipality, domiciliaries of the
50 municipality."

51 **SECTION 6.** G.S. 115C-218.90 reads as rewritten:

1 "§ 115C-218.90. Employment requirements.

2 (a) Employees. –

3 (1) An employee of a charter school is not an employee of the local school
4 administrative unit in which the charter school is located. The charter
5 school's board of directors of the nonprofit corporation or the governing
6 body of a municipality shall employ and contract with necessary teachers to
7 perform the particular service for which they are employed in the school; at
8 least fifty percent (50%) of these teachers shall hold teacher licenses. All
9 teachers who are teaching in the core subject areas of mathematics, science,
10 social studies, and language arts shall be college graduates.

11 The ~~board~~ charter school's board of directors of the nonprofit corporation
12 or the governing body of a municipality also may employ necessary
13 employees who are not required to hold teacher licenses to perform duties
14 other than teaching and may contract for other services. The ~~board~~ charter
15 school's board of directors of the nonprofit corporation or the governing
16 body of a municipality may discharge teachers and nonlicensed employees.

17 ...
18 (4) The employees of the charter school board of directors of the nonprofit
19 corporation shall be deemed employees of the local school administrative
20 unit for purposes of providing certain State-funded employee benefits,
21 including membership in the Teachers' and State Employees' Retirement
22 System and the State Health Plan for Teachers and State Employees. The
23 State Board of Education provides funds to charter schools, approves the
24 original members of the boards of directors of the charter schools, has the
25 authority to grant, supervise, and revoke charters, and demands full
26 accountability from charter schools for school finances and student
27 performance. Accordingly, it is the determination of the General Assembly
28 that charter schools are public schools and that the employees of charter
29 schools operated by a private nonprofit corporation are public school
30 employees. Employees of a charter school operated by a private nonprofit
31 corporation whose board of directors elects to become a participating
32 employer under G.S. 135-5.3 are "teachers" for the purpose of membership
33 in the North Carolina Teachers' and State Employees' Retirement System. In
34 no event shall anything contained in this Article require the North Carolina
35 Teachers' and State Employees' Retirement System to accept employees of a
36 private employer as members or participants of the System.

37 (4a) The employees of a charter school operated by a municipality shall be
38 deemed employees of that municipality and shall be eligible for any
39 employee benefits, including retirement benefits and health benefits,
40 provided to other employees of that municipality.

41"

42 **SECTION 7.** G.S. 105-228.90(b)(1) reads as rewritten:

43 "(1) Charter school. – ~~A nonprofit corporation~~ An entity that has a charter under
44 G.S. 115C-218.5 to operate a charter school."

45 **SECTION 8.** G.S. 160A-209(c) is amended by adding a new subdivision to read:

46 "(8a) Charter schools. – To provide for a charter school operated by the
47 municipality in accordance with Article 14A of Chapter 115C of the General
48 Statutes."

49 **SECTION 9.** This act applies only to the Town of Matthews and the Town of Mint

50 Hill.

1 **SECTION 10.** This act is effective when it becomes law and applies to
2 applications to establish a charter school submitted on or after that date.





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 514

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

H514-ABEp-82 [v.4]

Page 1 of 3

Amends Title [NO]
Second Edition

Date _____, 2018

Senator Tarte

1 moves to amend the bill on page 4, line 18, by rewriting the line to read:

2
3 "(4) The employees of ~~the~~ a charter school operated by a nonprofit";

4
5 And on page 4, lines 37-40, by rewriting the lines to read:

6
7 "(4a) The board of directors of a municipal charter school may elect to become a
8 participating employer in the Teachers' and State Employees' Retirement
9 System and the State Health Plan for Teachers and State Employees."

10
11 And on page 4, lines 42-50, by rewriting the lines to read:

12
13 "SECTION 7. G.S. 135-4(cc) reads as rewritten:

14 "(cc) Credit for Employment in a Charter School Operated by a Private Nonprofit
15 Corporation or a Charter School Operated by a Municipality. – Any member may
16 purchase creditable service for any employment as an employee of a charter school operated by
17 a private nonprofit corporation or a charter school operated by a municipality-whose board of
18 directors did not elect to participate in the Retirement System under G.S. 135-5.3 upon
19 completion of five years of membership service by making a lump-sum payment into the Annuity
20 Savings Fund. The payment by the member shall be equal to the full liability of the service credits
21 calculated on the basis of the assumptions used for purposes of the actuarial valuation of the
22 Retirement System's liabilities, taking into account the additional retirement allowance arising
23 on account of the additional service credits commencing at the earliest age at which the member
24 could retire with an unreduced retirement allowance, as determined by the Board of Trustees
25 upon the advice of the actuary plus an administrative expense fee to be determined by the Board
26 of Trustees. Creditable service purchased under this subsection shall not exceed a total of five
27 years. Notwithstanding the foregoing provisions of this subsection that provide for the purchase
28 of service credits, the terms "full cost", "full liability", and "full actuarial cost" include assumed
29 annual postretirement allowance increases, as determined by the Board of Trustees, from the
30 earliest age at which a member could retire on an unreduced service allowance."

31 SECTION 8. G.S. 135-5.3 reads as rewritten:



★ H 5 1 4 - A B E P - 8 2 - V - 4 ★

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 514

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

H514-ABEp-82 [v.4]

Page 2 of 3

1 **"§ 135-5.3. Optional participation for charter schools operated by private nonprofit**
2 **~~corporations.~~corporations or municipalities.**

3 ...
4 (b1) The board of directors of a charter school operated by a private nonprofit corporation
5 or a charter school operated by a municipality and that has received State Board of Education
6 approval under G.S. 115C-218.5 may elect to become a participating employer in the Retirement
7 System in accordance with this Article.

8 "
9 **SECTION 9.** G.S. 135-48.47 reads as rewritten:

10 **"§ 135-48.47. Participation in State Health Plan by local government employees and**
11 **dependents.**

12 (a) Eligibility. – The employees and dependents of employees of local government units
13 are eligible to participate in the State Health Plan, as provided in this section. This section does
14 not apply to employees of a charter school operated by a municipality, as provided in Article 14A
15 of Chapter 115C of the General Statutes.

16 Employees and dependents participating under this section are not guaranteed participation
17 in the Plan, and participation is contingent on their respective local government units (i) electing
18 to participate in the Plan and (ii) complying with the provisions of this section and this Article,
19 as well as any policies adopted by the Plan.

20 "
21 **SECTION 10.** G.S. 135-48.54 reads as rewritten:

22 **"§ 135-48.54. Optional participation for charter schools operated by private nonprofit**
23 **~~corporations.~~corporations or municipalities.**

24 (a) The board of directors of each charter school operated by a private nonprofit
25 corporation or a charter school operated by a municipality shall elect whether to become a
26 participating employer in the Plan in accordance with this Article. This election shall be in
27 writing, shall be made no later than 30 days after October 28, 1998, and shall be filed with the
28 Plan and with the State Board of Education. For each charter school employee who is employed
29 on or before the date the board makes the election, membership in the Plan is effective as of the
30 date the board makes the election. For each charter school employee who is employed after the
31 date the board makes the election, membership in the Plan is effective as of the date of that
32 employee's entry into eligible service. This subsection applies only to charter schools that
33 received State Board of Education approval under former G.S. 115C-238.29D in 1997 or 1998.

34 (b) No later than 30 days after both parties have signed the written charter under G.S.
35 115C-218.15, the board of directors of a charter school operated by a private nonprofit
36 corporation or a charter school operated by a municipality shall elect whether to become a
37 participating employer in the Plan in accordance with this Article. This election shall be in writing
38 and filed with the Plan and the State Board of Education. This election is effective for each charter
39 school employee as of the date of that employee's entry into eligible service. This subsection
40 applies to charter schools that receive State Board of Education approval under former G.S.
41 115C-238.29D or G.S. 115C-218.5 after 1998.

42 "

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 514

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

H514-ABEp-82 [v.4]

Page 3 of 3

1 **SECTION 11.** This act applies only to the Town of Cornelius, the Town of
2 Huntersville, the Town of Matthews, and the Town of Mint Hill.

3 **SECTION 12.** If any section or provision of this act is declared unconstitutional or
4 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
5 the part declared to be unconstitutional or invalid.";

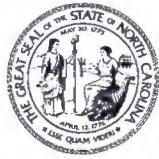
6
7 And on page 5, line 1, by replacing "SECTION 10." with "SECTION 13.".

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 514**

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

H514-ABEp-82 [v.2]

Page 1 of 3

Amends Title [NO]
Second Edition

Date _____, 2018

Senator Tarte

1 moves to amend the bill on page 4, line 18, by rewriting the line to read:

2
3 "(4) The employees of ~~the~~ a charter school operated by a nonprofit";

4
5 And on page 4, lines 37-40, by rewriting the lines to read:

6
7 "(4a) The board of directors of a municipal charter school may elect to become a
8 participating employer in the Teachers' and State Employees' Retirement
9 System and the State Health Plan for Teachers and State Employees.";

10
11 And on page 4, lines 42-50, by rewriting the lines to read:

12
13 "**SECTION 7.** G.S. 135-4(cc) reads as rewritten:

14 "**(cc)** Credit for Employment in a Charter School ~~Operated by a Private Nonprofit~~
15 ~~Corporation.School.~~ – Any member may purchase creditable service for any employment as an
16 employee of a charter school ~~operated by a private nonprofit corporation~~ whose board of directors
17 did not elect to participate in the Retirement System under G.S. 135-5.3 upon completion of five
18 years of membership service by making a lump-sum payment into the Annuity Savings Fund.
19 The payment by the member shall be equal to the full liability of the service credits calculated
20 on the basis of the assumptions used for purposes of the actuarial valuation of the Retirement
21 System's liabilities, taking into account the additional retirement allowance arising on account of
22 the additional service credits commencing at the earliest age at which the member could retire
23 with an unreduced retirement allowance, as determined by the Board of Trustees upon the advice
24 of the actuary plus an administrative expense fee to be determined by the Board of Trustees.
25 Creditable service purchased under this subsection shall not exceed a total of five years.
26 Notwithstanding the foregoing provisions of this subsection that provide for the purchase of
27 service credits, the terms "full cost", "full liability", and "full actuarial cost" include assumed
28 annual postretirement allowance increases, as determined by the Board of Trustees, from the
29 earliest age at which a member could retire on an unreduced service allowance."

30 **SECTION 8.** G.S. 135-5.3 reads as rewritten:

31 "**§ 135-5.3.** ~~Optional participation for charter schools operated by private nonprofit~~
32 corporations.schools.



* H 5 1 4 - A B E P - 8 2 - V - 2 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 514

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

H514-ABEp-82 [v.2]

Page 2 of 3

1 ...
2 (b1) The board of directors of a charter school ~~operated by a private nonprofit corporation~~
3 ~~and~~ that has received State Board of Education approval under G.S. 115C-218.5 may elect to
4 become a participating employer in the Retirement System in accordance with this Article.

5 "

6 **SECTION 9.** G.S. 135-48.47 reads as rewritten:

7 **"§ 135-48.47. Participation in State Health Plan by local government employees and**
8 **dependents.**

9 (a) Eligibility. – The employees and dependents of employees of local government units
10 are eligible to participate in the State Health Plan, as provided in this section. This section does
11 not apply to employees of a charter school operated by a municipality, as provided in Article 14A
12 of Chapter 115C of the General Statutes.

13 Employees and dependents participating under this section are not guaranteed participation
14 in the Plan, and participation is contingent on their respective local government units (i) electing
15 to participate in the Plan and (ii) complying with the provisions of this section and this Article,
16 as well as any policies adopted by the Plan.

17 "

18 **SECTION 10.** G.S. 135-48.54 reads as rewritten:

19 **"§ 135-48.54. Optional participation for charter schools ~~operated by private nonprofit~~**
20 **~~corporations, schools.~~**

21 (a) The board of directors of each charter school ~~operated by a private nonprofit~~
22 ~~corporation~~ shall elect whether to become a participating employer in the Plan in accordance with
23 this Article. This election shall be in writing, shall be made no later than 30 days after October
24 28, 1998, and shall be filed with the Plan and with the State Board of Education. For each charter
25 school employee who is employed on or before the date the board makes the election,
26 membership in the Plan is effective as of the date the board makes the election. For each charter
27 school employee who is employed after the date the board makes the election, membership in
28 the Plan is effective as of the date of that employee's entry into eligible service. This subsection
29 applies only to charter schools that received State Board of Education approval under former
30 G.S. 115C-238.29D in 1997 or 1998.

31 (b) No later than 30 days after both parties have signed the written charter under G.S.
32 115C-218.15, the board of directors of a charter school ~~operated by a private nonprofit~~
33 ~~corporation~~ shall elect whether to become a participating employer in the Plan in accordance with
34 this Article. This election shall be in writing and filed with the Plan and the State Board of
35 Education. This election is effective for each charter school employee as of the date of that
36 employee's entry into eligible service. This subsection applies to charter schools that receive State
37 Board of Education approval under former G.S. 115C-238.29D or G.S. 115C-218.5 after 1998.

38 "

39 **SECTION 11.** This act applies only to the Town of Cornelius, the Town of
40 Huntersville, the Town of Matthews, and the Town of Mint Hill.

41 **SECTION 12.** If any section or provision of this act is declared unconstitutional or
42 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
43 the part declared to be unconstitutional or invalid.";

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 514**

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

H514-ABEp-82 [v.2]

Page 3 of 3

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And on page 5, line 1, by replacing "SECTION 10." with "SECTION 13.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 514

Short Title: Permit Municipal Charter School/Certain Towns. (Local)

Sponsors: Representative Brawley.

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

Referred to: Education - K-12, if favorable, State and Local Government II

March 29, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT CERTAIN TOWNS TO OPERATE CHARTER SCHOOLS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115C-218 reads as rewritten:

5 "§ 115C-218. Purpose of charter schools; definitions; establishment of North Carolina
6 Charter Schools Advisory Board and North Carolina Office of Charter
7 Schools.

8 ...
9 (a1) Definitions. – For the purposes of this Article, the terms "board of a charter school"
10 and "board of the charter school" include (i) the board of directors of a private nonprofit
11 corporation and (ii) the governing body of a municipality, or a board appointed to operate a
12 charter school by the governing body of a municipality.

13 ...
14 (c) North Carolina Office of Charter Schools. –

15 (1) Establishment of the North Carolina Office of Charter Schools. – There is
16 established the North Carolina Office of Charter Schools, hereinafter
17 referred to in this Article as the Office of Charter Schools. The Office of
18 Charter Schools shall be administratively located in the Department of
19 Public Instruction, subject to the supervision, direction, and control of the
20 State Board of Education. The Office of Charter Schools shall consist of an
21 executive director appointed by the State Board of Education and such other
22 professional, administrative, technical, and clerical personnel as may be
23 necessary to assist the Office of Charter Schools in carrying out its powers
24 and duties.

25 (2) Executive Director. – The Executive Director shall report to and serve at the
26 pleasure of the State Board of Education at a salary established by the State
27 Board within the funds appropriated for this purpose. The duties of the
28 Executive Director shall include presenting the recommendations of the
29 Advisory Board at meetings of the State Board upon the request of the State
30 Board.

31 (3) Powers and duties. – The Office of Charter Schools shall have the following
32 powers and duties:

33 a. Serve as staff to the Advisory Board and fulfill any task and duties
34 assigned to it by the Advisory Board.





- b. Provide technical assistance and guidance to charter schools operating within the State.
 - c. Provide technical assistance and guidance to nonprofit corporations or municipalities seeking to operate charter schools within the State.
 - d. Provide or arrange for training for charter schools that have received preliminary approval from the State Board.
 - e. Assist approved charter schools and charter schools seeking approval from the State Board in coordinating services with the Department of Public Instruction.
 - f. Other duties as assigned by the State Board.
- (4) Agency cooperation. – All State agencies and departments shall cooperate with the Office of Charter Schools in carrying out its powers and duties as necessary in accordance with this Article."

SECTION 2. G.S. 115C-218.1 reads as rewritten:

"§ 115C-218.1. Eligible applicants; contents of applications; submission of applications for approval.

(a) Any nonprofit corporation or municipality seeking to establish a charter school may apply to establish a charter school. If the applicant seeks to convert a public school to a charter school, the application shall include a statement signed by a majority of the teachers and instructional support personnel currently employed at the school indicating that they favor the conversion and evidence that a significant number of parents of children enrolled in the school favor conversion.

(b) The application shall contain at least the following information:

- (1) A description of a program that implements one or more of the purposes in G.S. 115C-218.
- (2) A description of student achievement goals for the school's educational program and the method of demonstrating that students have attained the skills and knowledge specified for those student achievement goals.
- (3) The governance structure of the school including the names of the initial members of the board of directors of ~~the a nonprofit, tax-exempt corporation~~ corporation, the names of the members of the governing body of the municipality, as applicable, and the process to be followed by the school to ensure parental involvement. A teacher employed by the board of directors of a private nonprofit corporation to teach in the charter school may serve as a nonvoting member of the board of directors for the charter school.
- (4) The local school administrative unit in which the school will be located.
- (5) Admission policies and procedures.
- (6) A proposed budget for the school and evidence that the financial plan for the school is economically sound.
- (7) Requirements and procedures for program and financial audits.
- (8) A description of how the school will comply with G.S. 115C-218.20, 115C-218.25, 115C-218.30, 115C-218.40, 115C-218.45, 115C-218.50, 115C-218.55, 115C-218.60, 115C-218.65, 115C-218.70, 115C-218.75, 115C-218.80, 115C-218.85, and 115C-218.90.
- (9) Types and amounts of insurance coverage, including bonding insurance for the principal officers of the school, to be obtained by the charter school.
- (10) The term of the charter.
- (11) The qualifications required for individuals employed by the school.
- (12) The procedures by which students can be excluded from the charter school and returned to a public school. Notwithstanding any law to the contrary, any local board may refuse to admit any student who is suspended or



1 expelled from a charter school due to actions that would lead to suspension
2 or expulsion from a public school under G.S. 115C-390.5 through
3 G.S. 115C-390.11 until the period of suspension or expulsion has expired.

4 (13) The number of students to be served, which number shall be at least 80, and
5 the minimum number of teachers to be employed at the school, which
6 number shall be at least three. However, the charter school may serve fewer
7 than 80 students or employ fewer than three teachers if the application
8 contains a compelling reason, such as the school would serve a
9 geographically remote and small student population.

10 (14) Information regarding the facilities to be used by the school and the manner
11 in which administrative services of the school are to be provided.

12 (15) The process for conducting a weighted lottery that reflects the mission of the
13 school if the school desires to use a weighted lottery.

14 (c) The State Board shall establish reasonable fees of no less than five hundred dollars
15 (\$500.00) and no more than one thousand dollars (\$1,000) for initial and renewal charter
16 applications, in accordance with Article 2A of Chapter 150B of the General Statutes. No
17 application fee shall be refunded in the event the application is rejected or the charter is
18 revoked."

19 **SECTION 3.** G.S. 115C-218.2(b) reads as rewritten:

20 "(b) Before taking action regarding a charter school or charter school applicant,
21 including recommendations on preliminary or final approval of charter applications, renewals
22 of charters, nonrenewals of charters, and revocations of charters, the Advisory Board or a
23 committee of the Advisory Board shall provide an opportunity for the applicant or ~~charter~~
24 ~~board~~ the member of a board of a charter school to address the Advisory Board or its
25 committee, if present, at a meeting."

26 **SECTION 4.** G.S. 115C-218.15 reads as rewritten:

27 **"§ 115C-218.15. Charter school operation.**

28 (a) A charter school that is approved by the State shall be a public school within the
29 local school administrative unit in which it is located. All charter schools shall be accountable
30 to the State Board for ensuring compliance with applicable laws and the provisions of their
31 charters.

32 (b) A charter school shall be operated by (i) a private nonprofit corporation that shall
33 have received federal tax-exempt status no later than 24 months following final approval of the
34 application ~~application~~ or (ii) a governing body of a municipality.

35 (b1) The board of directors of the a private nonprofit corporation operating a charter
36 schools-school shall adopt a conflict of interest and anti-nepotism policy that includes, at a
37 minimum, the following:

38 (1) The requirements of Chapter 55A of the General Statutes related to conflicts
39 of interest.

40 (2) A requirement that before any immediate family, as defined in
41 G.S. 115C-12.2, of any member of the board of directors or a charter school
42 employee with supervisory authority shall be employed or engaged as an
43 employee, independent contractor, or otherwise by the board of directors in
44 any capacity, such proposed employment or engagement shall be (i)
45 disclosed to the board of directors and (ii) approved by the board of directors
46 in a duly called open-session meeting. The burden of disclosure of such a
47 conflict of interest shall be on the applicable board member or employee
48 with supervisory authority. If the requirements of this subsection are
49 complied with, the charter school may employ immediate family of any
50 member of the board of directors or a charter school employee with
51 supervisory authority.



(3) A requirement that a person shall not be disqualified from serving as a member of a charter school's board of directors because of the existence of a conflict of interest, so long as the person's actions comply with the school's conflict of interest policy established as provided in this subsection and applicable law.

(b2) The governing body of a municipality operating a charter school shall adopt a conflict of interest and anti-nepotism policy related to the charter school that includes, at a minimum, the requirements of subdivisions (2) and (3) of subsection (b1) of this section.

(c) A charter school shall operate under the written charter signed by the State Board and the applicant. A charter school is not required to enter into any other contract. The charter shall incorporate the information provided in the application, as modified during the charter approval process, and any terms and conditions imposed on the charter school by the State Board of Education. No other terms may be imposed on the charter school as a condition for receipt of local funds.

(d) The board of ~~directors of the~~ a charter school shall decide matters related to the operation of the school, including budgeting, curriculum, and operating procedures.

(e) The board of directors of the private nonprofit corporation operating the charter school may have members who reside outside of the State. However, the State Board of Education may require by policy that a majority of the board of directors and all officers of the board of directors reside within the State."

SECTION 5. G.S. 115C-218.20(a) reads as rewritten:

"(a) The board of ~~directors of~~ a charter school may sue and be sued. The State Board of Education shall adopt rules to establish reasonable amounts and types of liability insurance that the board of ~~directors of~~ a charter school shall be required by the charter to obtain. The board of ~~directors of the charter school~~ shall obtain at least the amount of and types of insurance required by these rules to be included in the charter. Any sovereign immunity of the charter school, of the organization that operates the charter school, or its members, officers, or directors, or of the employees of the charter school or the organization that operates the charter school, is waived to the extent of indemnification by insurance."

SECTION 6. G.S. 115C-218.25 reads as rewritten:

"§ 115C-218.25. Open meetings and public records.

The charter school and board of ~~directors of the private nonprofit corporation that operates~~ the charter school are subject to the Public Records Act, Chapter 132 of the General Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes. Notwithstanding the requirements of Chapter 132 of the General Statutes, inspection of charter school personnel records for those employees directly employed by the board of ~~directors of the~~ charter school shall be subject to the requirements of Article 21A of this Chapter. The charter school and board of ~~directors of the private nonprofit corporation that operates the~~ charter school shall use the same schedule established by the Department of Natural and Cultural Resources for retention and disposition of records of local school administrative units."

SECTION 7. G.S. 115C-218.45(f) reads as rewritten:

"(f) The charter school may give enrollment priority to any of the following:

- (1) Siblings of currently enrolled students who were admitted to the charter school in a previous year. For the purposes of this section, the term "siblings" includes any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.
- (2) Siblings of students who have completed the highest grade level offered by that school and who were enrolled in at least four grade levels offered by the charter school or, if less than four grades are offered, in the maximum number of grades offered by the charter school.



- (3) Limited to no more than fifteen percent (15%) of the school's total enrollment, unless granted a waiver by the State Board of Education, the following:
- Children of the school's full-time employees.
 - Children of the ~~charter school's board of directors~~ members of the board of the charter school.
- (4) A student who was enrolled in the charter school within the two previous school years but left the school (i) to participate in an academic study abroad program or a competitive admission residential program or (ii) because of the vocational opportunities of the student's parent.
- (5) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level.
- (6) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level and both of the charter schools have an enrollment articulation agreement to accept students or are governed by the same board of ~~directors~~ a charter school.
- (7) If the charter school is operated by a municipality, domiciliaries of the municipality."

SECTION 8. G.S. 115C-218.50(b)(2) reads as rewritten:

- "(2) A charter school, upon approval by the board of ~~directors~~ of the charter school, may establish fees for extracurricular activities, except those fees shall not exceed the fees for the same extracurricular activities charged by a local school administrative unit in which forty percent (40%) or more of the students enrolled in the charter school reside."

SECTION 9. G.S. 115C-218.70 reads as rewritten:

"§ 115C-218.70. Driving eligibility certificates.

In accordance with rules adopted by the State Board of Education, the designee of the ~~school's board of directors~~ the charter school shall do all of the following:

- Sign driving eligibility certificates that meet the conditions established in G.S. 20-11.
- Obtain the necessary written, irrevocable consent from parents, guardians, or emancipated juveniles, as appropriate, in order to disclose information to the Division of Motor Vehicles.
- Notify the Division of Motor Vehicles when a student who holds a driving eligibility certificate no longer meets its conditions."

SECTION 10. G.S. 115C-218.75(a) reads as rewritten:

"(a) Health and Safety Standards. – A charter school shall meet the same health and safety requirements required of a local school administrative unit. The Department of Public Instruction shall ensure that charter schools provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Department of Public Instruction shall also ensure that charter schools provide parents and guardians with information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information shall be provided at the beginning of the school year to parents of children entering grades five through 12. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible



side effects of vaccination, and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Department of Public Instruction shall also ensure that charter schools provide students in grades seven through 12 with information annually on the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illicit drugs, and inadequate prenatal care.

The Department of Public Instruction shall also ensure that charter schools provide students in grades nine through 12 with information annually on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

The Department of Public Instruction shall also ensure that the guidelines for individual diabetes care plans adopted by the State Board of Education under G.S. 115C-12(31) are implemented in charter schools in which students with diabetes are enrolled and that charter schools otherwise comply with the provisions of G.S. 115C-375.3.

The Department of Public Instruction shall ensure that charter schools comply with G.S. 115C-375.2A. The board of directors of a charter school shall provide the school with a supply of emergency epinephrine auto-injectors necessary to carry out the provisions of G.S. 115C-375.2A."

SECTION 11. G.S. 115C-218.90 reads as rewritten:

"§ 115C-218.90. Employment requirements.

(a) Employees. –

(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors or the governing body of a municipality 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 these teachers shall hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The ~~board~~ charter school's board of directors or the governing body of a municipality also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services. The ~~board~~ charter school's board of directors or the governing body of a municipality may discharge teachers and nonlicensed employees.

...
(4) The employees of ~~the~~ a charter school operated by a private nonprofit corporation shall be deemed employees of the local school administrative unit for purposes of providing certain State-funded employee benefits, including membership in the Teachers' and State Employees' Retirement System and the State Health Plan for Teachers and State Employees. The State Board of Education provides funds to charter schools, approves the original members of the boards of directors of the charter schools, has the authority to grant, supervise, and revoke charters, and demands full accountability from charter schools for school finances and student performance. Accordingly, it is the determination of the General Assembly that charter schools are public schools and that the employees of charter schools operated by a private nonprofit corporation are public school employees. Employees of a charter school whose board of directors elects to become a participating employer under G.S. 135-5.3 are "teachers" for the purpose of membership in the North Carolina Teachers' and State Employees' Retirement System. In no event shall anything contained in this



Article require the North Carolina Teachers' and State Employees' Retirement System to accept employees of a private employer as members or participants of the System.

(4a) The employees of a charter school operated by a municipality shall be deemed employees of that municipality and shall be eligible for any employee benefits, including retirement benefits and health benefits, provided to other employees of that municipality.

(5) Education employee associations shall have equal access to charter school employees as provided in G.S. 115C-335.9.

(b) Criminal History Checks. –

(1) If the local board of education of the local school administrative unit in which a charter school is located has adopted a policy requiring criminal history checks under G.S. 115C-332, then the board of ~~directors of each~~ charter school located in that local school administrative unit shall adopt a policy mirroring the local board of education policy that requires an applicant for employment to be checked for a criminal history, as defined in G.S. 115C-332. Each ~~charter school board of directors~~ board of a charter school shall apply its policy uniformly in requiring applicants for employment to be checked for a criminal history before the applicant is given an unconditional job offer. A ~~charter school board of directors~~ board of a charter school may employ an applicant conditionally while the board is checking the person's criminal history and making a decision based on the results of the check.

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

SECTION 12. G.S. 20-11(n)(4)d. reads as rewritten:

"d. The designee of the board of ~~directors of the~~ charter school in which the person is enrolled."

SECTION 13. G.S. 20-84(b)(3a) reads as rewritten:

"(3a) A motor vehicle that is owned and exclusively operated by a ~~nonprofit corporation authorized board of a charter school~~ under G.S. 115C-218.5 to operate a charter school and identified by a permanent decal or painted marking disclosing the name of the ~~nonprofit corporation charter school~~. The motor vehicle shall only be used for student transportation and official charter school related activities."

SECTION 14. G.S. 105-228.90(b)(1) reads as rewritten:

"(1) Charter school. – ~~A nonprofit corporation~~ An entity that has a charter under G.S. 115C-218.5 to operate a charter school."

SECTION 15. G.S. 115C-75.12(a)(4)a. reads as rewritten:

"a. Conversion to charter. – If, in the development of the transition plan, a local board of education indicates by resolution to the State Board of Education that the local board of education elects to not receive



1 the transfer of the achievement school back to the local school
2 administrative unit, the AS operator may apply to convert the school
3 to a charter school under Article 14A of this Chapter. If a charter is
4 awarded, the ~~charter~~ board of directors of the charter school may
5 request to use the facility as provided in G.S. 115C-218.35. If the AS
6 operator does not seek conversion to a charter school or fails to
7 receive a charter, the State Board of Education may close the school
8 as provided in subdivision (2) of this subsection."

9 **SECTION 16.** G.S. 115C-375.3 reads as rewritten:

10 **"§ 115C-375.3. Guidelines to support and assist students with diabetes.**

11 Local boards of education and boards of ~~directors of~~ charter schools shall ensure that the
12 guidelines adopted by the State Board of Education under G.S. 115C-12(31) are implemented
13 in schools in which students with diabetes are enrolled. In particular, the boards shall require
14 the implementation of the procedures set forth in those guidelines for the development and
15 implementation of individual diabetes care plans. The boards also shall make available
16 necessary information and staff development to teachers and school personnel in order to
17 appropriately support and assist students with diabetes in accordance with their individual
18 diabetes care plans."

19 **SECTION 17.** This act applies only to the Town of Matthews and the Town of
20 Mint Hill.

21 **SECTION 18.** This act is effective when it becomes law and applies to
22 applications to establish a charter school submitted on or after that date.



[illegible]





Education/Higher Education

May 30, 2018

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Kris Nordstrom	NCJC
Lindsay Marchello	Carolina Journal
Maeghan Lewis	NC chamber
Zeki Authur	JLF
Adam Prodena	NCACE
Hugh Johnson	NCACC
Tammy Sevic	muc
CHRIS NEHAM	ADMIN - POLICY
Edna Wallace	RTI
Bryan Holloway	Holloway Group Inc.
Rachel Beahm	PBLA
Amanda Donora	KTS
Stephen Kohn	KMA
Fred B...	Doni: ASSO
Amanda Falkenberg	JDA
David Heman	NC Center for Nonprofit Org
Tracy Kimbrell	Parker Poe



21

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Education/Higher Education

May 30, 2018

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Bruce Thompson	PRKAL POC
Tyler Ford	McGuire Woods
Harry Kaplan	McGuire Woods
SAM WALKER	DST
EDGAR FAMES	DST
Nick Bush	Tsb
Zane Stilwell	TSG
Jon West	MLCH
Sarah Collins	NCLM
Joseph Montgomery	College Board
JOHN DAVIS	Asheboro H.S.
Laura Collins	Sen. Chaudhary
Marge Felman	NCAE
Matt Ellinwood	NCS
Crystal Tammes	Asheboro High
Caroline Kiser	Asheboro High School
Kelsey Vance	Asheboro High School
All Durrant	Asheboro High School





Education/Higher Education

May 30, 2018

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NAME	FIRM OR AGENCY
Elizabeth Jackson	Student
Ava Futry	Student
Shelly Beckinern	Beckinern Lm
Reston Fortson	SEANC
David Crawford	AIA NC
Dylan Blackburn	NC State Board of Ed
Anne Breen	NC Community Colleges
Benjamin Canoll	Asheboro City Schools
David Clary	NRSP
Walt Tamm	TAAG
DAVE MACHOODS	OCS
Country & Cole	CC
Michael Buster	NC SBA
Starnes	OST
Chels Jeter	CMS
Leanne Winner	NCSBA
Bruce Medwulf	NCSBA
Boo Hahn	MWC

Brian Francis

Francis Consulting Services





**Senate Committee on Education/Higher Education
Wednesday, June 6, 2018 at 12:00 PM
Room 544 of the Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on June 6, 2018 in Room 544 of the Legislative Office Building. 14 members were present.

Senator David Curtis, presided.

The following bill was presented for consideration:

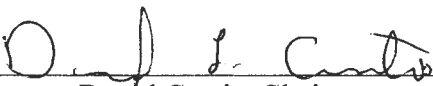
HB 92 Cherokee Reg. Plate/Teaching Agreement. (Representatives Torbett, Stone)

Senator Lee moved to adopt the PCS. Senator Jim Davis spoke on the PCS.

The PCS to House Bill 92 would remove all of the contents of the 2nd Edition of House Bill 92, and instead authorize the Division of Motor Vehicles (DMV) to produce a special registration plate for the Eastern Band of Cherokee Indians, and create a licensure exception for Cherokee language and culture instruction.

Senator Tillman motioned to pass. The bill passed Favorable to the PCS, Unfavorable to the Original Bill. Serial referrals were made to Finance and then to Rules.

The meeting adjourned at 12:05 p.m.



Senator David Curtis, Chair



Lynn Tennant, Committee Clerk



Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	June 6, 2018	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 92</u>	Cherokee Reg. Plate/Teaching Agreement.	Representative Torbett Representative Stone

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



**Senate Committee on Education/Higher Education
Wednesday, June 6, 2018, 12:00 PM
544 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 92	Blue Ribbon Committee/Transportation Funding.	Representative Torbett Representative Stone

Presentations

Sen. Jim Davis Presenting

Other Business

Adjournment





HOUSE BILL 92: Blue Ribbon Committee/Transportation Funding.

2017-2018 General Assembly

Committee: House Transportation
Introduced by: Reps. Torbett, Stone
Analysis of: PCS to First Edition
H92-CSSU-5

Date: February 28, 2017
Prepared by: Wendy Ray
Staff Attorney

OVERVIEW: *The Proposed Committee Substitute for House Bill 92 would establish the Blue Ribbon Committee on Transportation Infrastructure Funding to study all options available to increase funding to meet the transportation infrastructure needs of the State.*

BILL ANALYSIS: The PCS for House Bill 92 would establish the Blue Ribbon Committee on Transportation Infrastructure Funding to study options for increasing funding to meet the State's transportation infrastructure needs, including:

- Debt instruments
- Revenue changes
- Local government participation
- Tolling

The Committee would be made up of 20 members. Ten members would be appointed by the Speaker of the House, including six House members, two members representing the public, one member representing small business, and one member representing large business. Ten members would be appointed by the President Pro Tem of the Senate, including six Senate members, two members representing the public, one member representing small business, and one member representing large business.

The Committee would be able to make an interim report to the 2018 Session of the 2017 General Assembly and would be required to make a final report of its findings and recommendations to the 2019 General Assembly. The Committee would terminate upon the convening of the 2019 General Assembly or upon filing its final report, whichever occurs first.

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

BACKGROUND: House Bill 92 is a recommendation of the House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions, which met during the interims before the 2016 and 2017 Sessions. The Committee found that North Carolina has significant transportation infrastructure needs and insufficient revenue to meet those needs.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 92
Committee Substitute Favorable 2/28/17

Short Title: Blue Ribbon Committee/Transportation Funding. (Public)

Sponsors:

Referred to:

February 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE BLUE RIBBON COMMITTEE ON TRANSPORTATION
3 INFRASTRUCTURE FUNDING, AS RECOMMENDED BY THE HOUSE SELECT
4 COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM
5 FUNDING SOLUTIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Establishment. – There is established a Blue Ribbon Committee on
8 Transportation Infrastructure Funding.

9 **SECTION 2.** Membership. – The Committee shall be composed of 20 members, as
10 follows:

- 11 (1) Ten members appointed by the Speaker of the House of Representatives, as
12 follows:
13 a. Six members of the House of Representatives.
14 b. Two members representing the public.
15 c. One member representing small business in the State.
16 d. One member representing large business in the State.
17 (2) Ten members appointed by the President Pro Tempore of the Senate, as
18 follows:
19 a. Six members of the Senate.
20 b. Two members representing the public.
21 c. One member representing small business in the State.
22 d. One member representing large business in the State.

23 **SECTION 3.** Finding and Purpose. – The General Assembly finds that the State has
24 significant transportation infrastructure needs and insufficient revenue to meet those needs.
25 Therefore, the Committee shall study all options available, including debt instruments, revenue
26 changes, local government participation, and tolling, to increase funding for the transportation
27 infrastructure needs of the State, and any other matters the Committee deems relevant to
28 accomplishing the purpose set forth in this section.

29 **SECTION 4.** Officers; Vacancies. – The Speaker of the House of Representatives
30 shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall
31 designate one Senator as cochair. Any vacancy on the Committee shall be filled by the appointing
32 authority.

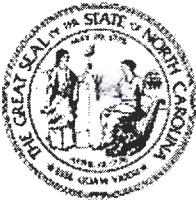
33 **SECTION 5.** Compensation; Powers; Meeting. – Members of the Committee shall
34 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or
35 138-6, as appropriate. The Committee, while in the discharge of its official duties, may exercise all
36 powers provided for under G.S. 120-19 and G.S. 120-19.4. The Committee shall meet upon the



1 call of the cochair. A quorum of the Committee shall be 10 members. The Committee may meet
2 in the Legislative Building or the Legislative Office Building. With approval of the Legislative
3 Services Commission, the Legislative Services Officer shall assign professional staff to assist the
4 Committee in its work. The House of Representatives' and the Senate's Directors of Legislative
5 Assistants shall assign clerical staff to the Committee, and the expenses relating to the clerical
6 employees shall be borne by the Committee.

7 **SECTION 6.** Report; Termination. – The Committee may make an interim report of
8 its findings and recommendations to the 2018 Regular Session of the 2017 General Assembly and
9 shall make a final report of its findings and recommendations to the 2019 General Assembly prior
10 to its convening. The Committee shall terminate on the convening of the 2019 General Assembly,
11 or upon the filing of its final report, whichever occurs first.

12 **SECTION 7.** Effective Date. – This act is effective when it becomes law.



HOUSE BILL 92: Cherokee Reg. Plate/Teaching Agreement.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 6, 2018
Introduced by:	Reps. Torbett, Stone	Prepared by:	Brian Gwyn
Analysis of:	PCS to Second Edition H92-CSBE-35		Staff Attorney

OVERVIEW: *The PCS to House Bill 92 would remove all of the contents of the 2nd Edition of House Bill 92, and instead authorize the Division of Motor Vehicles (DMV) to produce a special registration plate for the Eastern Band of Cherokee Indians, and create a licensure exception for Cherokee language and culture instruction.*

SPECIAL REGISTRATION PLATE FOR THE EASTERN BAND OF CHEROKEE INDIANS

BILL ANALYSIS: The PCS to House Bill 92 would require the DMV to issue a special registration plate to any members of the Eastern Band of Cherokee Indians who present to the Division a tribal identification card. These special registration plates would be subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88, but the plates would not be subject to any additional fees.

LICENSURE EXCEPTION FOR CHEROKEE LANGUAGE AND CULTURE INSTRUCTION

CURRENT LAW: G.S. 115C-295 requires all public school teachers to either hold or be qualified to hold a North Carolina teaching license issued by the State Board of Education.

BILL ANALYSIS: The PCS to House Bill 92 would create a process through which an individual could teach Cherokee language and culture classes without a teaching license issued by the State Board of Education. The State Board of Education would be required to enter into a memorandum of understanding (MOU) with the Eastern Band of Cherokee Indians. The MOU would identify the criteria an individual must meet to be approved to teach Cherokee language and culture classes. Such an MOU must include the following:

- Requirements for approval of individuals employed under this provision, including a requirement that the individual has demonstrated mastery of the Cherokee language through a credential issued by the Eastern Band of Cherokee Indians.
- A three-year approval period, which may be renewed, for individuals employed under this section.
- Authority of the Superintendent of Public Instruction or the Superintendent's designee to approve and renew approval of individuals employed under this section, subject to the requirements of the MOU.

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.

House PCS 92

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- Requirements for renewing approval of individuals employed under this provision after three years.
- A clear statement that an individual authorized to teach pursuant to this provision shall not be permitted to provide instruction in other content areas unless the individual possesses a license issued in accordance with G.S. 115C-270.20.

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

Senate Pages Attending

COMMITTEE: Education ROOM: 544

DATE: 6-6 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!.....or else!!!!

	Page Name	Hometown	Sponsoring Senator
1.	^{me} Alex Malyszko	Terrell	Tate
2.	Anolee McLamb	Dunn	Brown
3.	Susanna Martin	Raleigh	Barringer
4.	Emma Lawing	Concord	Newton
5.	Cameron Jack	Greensboro	Wade
6.	Morgan Moore	Wallace	B. Jackson
7.	Ben Corsetti	Raleigh	Berger
8.	Aidan McGonigle	Hertford	Cook

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.



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June 6, 2018

[illegible]



Senate Committee on Education/Higher Education
Wednesday, June 13, 2018 at 12:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 12:00 PM on June 13, 2018 in Room 544 of the Legislative Office Building. 20 members were present.

Senator Michael V. Lee, Chair, presided.

Senator Lee opened the meeting and recognized the Senate Sergeant-At-Arms and Senate Pages.

HB 611: Employment Contract Exception. (Representatives Dobson, Bert Jones, Murphy, Earle)

House Bill 611 was moved to the top of the calendar. Senator Lee introduced Senator Hise to present the bill to the committee. Senator Curtis made a motion to bring the proposed committee substitute before the committee. The motion was approved. Senator Hise explained the bill. The committee was opened for discussion.

Leanne Winner, Director, NC School Boards Association, spoke to the committee and expressed her organization's appreciation for the bill. Senator Pate made a motion for favorable report to the proposed committee substitute and an unfavorable report to the original bill. The motion was approved.

HB 986: Various Changes to Education Laws. (Representatives Hurley, Elmore, Horn, Johnson)

Senator Curtis made a motion to bring the proposed committee substitute before the committee. The motion was approved. Senator Lee introduced Representatives Hurley, Horn, and Elmore to explain different portions of the bill. The committee was opened for discussion. Senator Lee and Senator Krawiec explained the remaining portions of the bill. The committee was opened for discussion.

Kevin Wilkinson, Policy Advisor, Legislative Liaison, NC Superintendent of Public Instruction addressed the committee and stated he would provide further information to the committee at a later date.

The committee was opened for further discussion. Senator Barefoot made a motion for favorable report to the proposed committee substitute and an unfavorable report to the original bill. The motion was approved.



The meeting adjourned at 12:39 PM.

A handwritten signature in dark ink, appearing to read "M. Lee", written above a horizontal line.

Senator Michael V. Lee, Chair
Presiding

A handwritten signature in dark ink, appearing to read "Emily Barnes", written above a horizontal line.

Emily Barnes, Committee Clerk



Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The **Senate Committee on Education/Higher Education** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	June 13, 2018	12:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 986</u>	Revise Cursive and Multiplication Report.	Representative Hurley Representative Elmore Representative Horn Representative Johnson

Senator Chad Barefoot, Co-Chair
Senator David L. Curtis, Co-Chair
Senator Michael V. Lee, Co-Chair



Senate Committee on Education/Higher Education
Wednesday, June 13, 2018, 12:00 PM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 986	Revise Cursive and Multiplication Report.	Representative Hurley Representative Elmore Representative Horn Representative Johnson
HB 611	Clarify Objective/Child Protective Services.	Representative Dobson Representative Bert Jones Representative Murphy Representative Earle

Adjournment





HOUSE BILL 986: Various Changes to Education Laws.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 13, 2018
Introduced by:	Reps. Hurley, Elmore, Horn, Johnson	Prepared by:	Committee Counsel*
Analysis of:	PCS to Second Edition H986-CSTC-61		

OVERVIEW: *The 2nd edition of House Bill 986 would require the State Board of Education (SBE) and the Department of Public Instruction (DPI) to report annually on the implementation of the statutory requirements regarding cursive writing and multiplication tables. Additionally, it would require students who score a level five on end-of-year math tests to be placed in advanced math classes the following year.*

The PCS for HB 986 would add additional sections as follows:

- *Require the State Board of Education to provide information from annual performance reports for educator preparation providers in a user-friendly format that allows comparability of data, and removes requirements for the Board of Governors of The University of North Carolina to incorporate that information into the Teacher Quality Dashboard.*
- *Require the State Superintendent of Public Instruction to study and make recommendations on ways to reduce testing not otherwise required by State or federal law.*
- *Require DPI to develop a mental health training program and a suicide risk referral program.*
- *Create a "Renewal School System" model that authorizes qualifying local school administrative units to become renewal school systems and therefore be subject only to certain statutes and State Board of Education rules and policies.*

PART I: CURSIVE AND MULTIPLICATION REPORT

CURRENT LAW: Section 7.23B of S.L. 2017-57 required the SBE and DPI to submit a one-time report to the Joint Legislative Education Oversight Committee (JLEOC) regarding the implementation of the cursive writing and multiplication tables memorization requirements in G.S. 115C-81(k) and (l) (recodified as G.S. 115C-81.75 and G.S. 115C-81.80, respectively).

BILL ANALYSIS: Part I of the PCS would require the SBE and DPI to report to JLEOC by March 30 annually on the implementation of the statutory requirements regarding cursive writing and multiplication tables. The report must include the following information:

- List and percentage of local school administrative units (LEAs) in compliance with the cursive writing requirement, as well as a list and percentage of LEAs not in compliance.
- List and percentage of LEAs in compliance with the memorization of multiplication tables requirement, as well as a list and percentage of LEAs not in compliance.

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.

House PCS 986

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- List of instructional strategies used by each local school administrative unit (LEA) to implement the cursive writing requirement, broken down by LEA.
- Percentage of LEAs using various cursive writing instructional strategies.
- List and percentage of any LEAs that did not provide information for the report.

This provision was recommended by JLEOC's May 1, 2018 report.

EFFECTIVE DATE: Part I would be effective when it becomes law and would apply to reports submitted on or after that date.

PART II: ADVANCED COURSES IN MATHEMATICS

BILL ANALYSIS: Part II of the PCS would require local boards of education to offer advanced courses in mathematics in grades three and higher when practicable. Students who score a level five on end-of-year math tests must be placed in advanced math classes the following year. Students may only be removed from the advanced course if a parent or guardian provides written consent.

EFFECTIVE DATE: Part II would apply beginning with the 2018-2019 school year.

PART III: EDUCATOR PREPARATION REPORTS

CURRENT LAW: G.S. 115C-269.50 requires State Board of Education to provide the information from each educator preparation program's (EPPs) annual performance report to the Board of Governors of The University of North Carolina to be incorporated into the Teacher Quality Dashboard to provide greater accessibility and comparability of data on the performance of EPPs in the State.

BILL ANALYSIS: Part III of the PCS would require the State Board of Education to provide information from annual performance reports for educator preparation providers in a user-friendly format that allows comparability of data, and would removes requirements for the Board of Governors of The University of North Carolina to incorporate that information into the Teacher Quality Dashboard.

PART IV: STATE SUPERINTENDENT TESTING STUDY

BILL ANALYSIS: Part IV of the PCS would require the State Superintendent of Public Instruction to study and make recommendations on ways to reduce testing not otherwise required by State or federal law. The Superintendent must report findings and recommendations to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee by January 15, 2019.

PART V: DEPARTMENT OF PUBLIC INSTRUCTION DEVELOP MENTAL HEALTH TRAINING PROGRAM AND SUICIDE RISK REFERRAL PROTOCOL

BILL ANALYSIS: Section 5.(a) of the PCS would require the Department of Public Instruction, under the direction of the State Superintendent, and in consultation with the Department of Health and Human Services, Division of Public Health, to do all of the following:

- Develop content standards for a mental health training program that includes all of the following topics:
 - Youth mental health
 - Suicide prevention
 - Substance use
 - Sexual abuse prevention
 - Sex trafficking prevention

House PCS 986

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- Develop a model mental health training program.
- Develop minimum requirements for a suicide risk referral protocol that provides guidelines to identify students at risk of suicide, or suspected victims of child abuse, neglect, sexual abuse, or sex trafficking.
- Develop a model suicide risk referral protocol.

Section 5.(b) of the PCS would require the State Superintendent to report the content standards for a mental health training program, model mental health training program, minimum requirements for a suicide risk referral protocol, and model suicide risk referral protocol to the Joint Legislative Education Oversight Committee by October 15, 2018.

Section 5.(c) would require the State Board of Education to repeal its School-Based Mental Health Initiative policy, SHLT-003.

EFFECTIVE DATE: Part V of the PCS is effective when it becomes law.

PART VI: RENEWAL SCHOOL SYSTEM

CURRENT LAW: Under G.S. 115C-105.37B, the State Board of Education (SBE) has the authority to approve a local board of education's request to reform a continually low-performing school in its local school administrative unit (LEA). A continually low-performing school is a school that has received State-mandated assistance and has been designated by the SBE as low-performing for at least 2 of 3 consecutive years. A low-performing school is a school that earns an overall school performance grade of a D or F and a school growth score of "met expected growth" or "not met expected growth".

If the SBE approves a local board of education's request to reform a continually low-performing school, then the local board of education can adopt one of the following four models for that school: (i) transformation model; (ii) restart model; (iii) turnaround model; or (iv) school closure model.

The restart model authorizes the local board of education to operate the school with the same exemptions from statutes and rules as charter schools or to operate the school under the management of an educational management organization. The school still remains under the control of the local board of education and the employees of the school are still employees of the local board of education.

BILL ANALYSIS: Part VI of the PCS authorizes a local board of education to submit a LEA Renewal Plan (renewal school system plan) to the SBE to allow the local board of education to decide all matters related to the operation of the schools in the LEA governed by the local board of education, including the use of State funds, curriculum, and operating procedures, with certain exceptions that are described below. A local board of education is eligible to submit a renewal school system plan to the SBE if its LEA has all of the following: (i) the greatest percentage of Restart Model schools in the State that have been approved by the SBE, (ii) received low-wealth supplemental funding for the 2017-2018 fiscal year, and (iii) more than an average daily membership of 10,000 students for the 2017-2018 school year.

Submission of Renewal School System Plan – If a qualifying local board of education submits a renewal school system plan by July 15, 2018, to the SBE to begin operation of the plan with the 2018-2019 school year, the SBE must approve the renewal school system plan. The renewal school system plan must have at least the following:

- A resolution adopted by the local board of education to implement the renewal school system plan.
- A description of how the local board of education will design and create a comprehensive, innovative strategic vision for sustainable school improvement and student achievement through

the delivery of instruction and resources tailored to the needs of the students and the community. This must also include:

- Policies and support services that will enhance the ability of each school in the LEA to achieve its own strategic vision and plan within the context of the LEA's vision.
- Strategies for attaining and retaining high quality instructional, support, and administrative school personnel employed by the local board of education.
- Methods for the analysis of data to ensure the local board of education is meeting its strategic goals.

SBE Approval and Exemption from Statutes and Rules – Once the SBE approves the renewal school system plan, the local board of education and LEA are exempt from statutes and rules applicable to other local boards of education and LEAs for the purposes of operating their schools except as provided below.

Statutes That **Will Still Apply** to the Local Board of Education and LEA with a Renewal School System Plan

- Article 1 –Definitions and Preliminary Provisions.
- Article 5 – Local Boards of Education, **except as provided below.**
- Article 7 – Organization of Schools.
- Article 8 – G.S. 115C-81.30, Reproductive Health and Safety Education Provided by Local School Administrative Units.
- Article 8 – School Performance – Part 1A, North Carolina Read to Achieve Program, and Part 1B, School Performance.
- Article 8C – Local Safety Plans, **except as provided below.**
- Article 9 – Education of Children With Disabilities.
- Article 10A – Part 3, Preliminary Scholastic Aptitude Test Opportunities Encouraged, and Part 5, Career and College Readiness.
- Article 14A – Subsections (c) through (e) of G.S. 115C 218.105, State and local funds for a charter school.
- Article 16 – Part 9, Cooperative Innovative High School Programs.
- Article 17 – Part 2, Food Service.
- Article 21A – Privacy of Employee Personnel Records.
- Article 22 – G.S. 115C-325, System of employment for public school teachers, and Article Part 6, Criminal History Checks, and Part 8, Sexual Harassment Policies.
- Article 23 – Employment Benefits
- Article 25 – Admission and Assignment of Students, **except as provided below.**
- Article 25A – Special Medical Needs of Students.
- Article 26 – Attendance.
- Article 27 – Discipline.

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- Article 28 – Student Liability
- Article 29 – Protective Provisions and Maintenance of Student Records.
- Article 29A – Policy Prohibiting Use of Tobacco Products.
- Article 29D – Student Prayer and Religious Activity
- Article 31 – The School Budget and Fiscal Control Act, **except as provided below.**
- Article 33 – Assumption of School District Indebtedness by Counties.
- Article 34 – Refunding and Funding Bonds of School Districts.
- Article 34B – Qualified Zone Academy Bonds and Qualified School Construction Bonds.
- Article 35 – Voluntary Endowment Fund for Public Schools.
- Article 36 – Voted Tax Supplements for School Purposes.
- Article 37 – School Sites and Property, **except as provided below.**
- Article 38 – State Insurance of Public School Property.

Specific statutes and parts of statutes with which the Local Board of Education and LEA with a Renewal School System Plan **WILL NOT** have to comply (although the larger statute or Article does require compliance above).

- G.S. 115C-47 – General Powers and Duties of Local Boards of Education.
 - G.S. 115C-47(5) [To Fix Time of Opening and Closing Schools].
 - G.S. 115C-47(10) [To Assure Appropriate Class Size].
 - G.S. 115C-47(11) [To Determine School Calendar].
 - G.S. 115C-47(13) [To Elect a Superintendent].
 - G.S. 115C-47(14) [To Supply an Office, Equipment and Clerical Assistance for the Superintendent].
 - G.S. 115C-47(15) [To Prescribe Duties of Superintendent].
 - G.S. 115C-47(16) [To Remove a Superintendent, When Necessary].
 - G.S. 115C-47(17) [To Employ Assistant Superintendents and Supervisors].
 - G.S. 115C-47(18a) [To Adopt Rules and Policies Limiting the Noninstructional Duties of Teachers].
 - G.S. 115C-47(21) [Employee Salary Schedules].
 - G.S. 115C-47(32) [To Refer All Students Who Drop Out of the Public Schools to Appropriate Services].
 - G.S. 115C-47(32a) [To Establish Alternative Learning Programs and Develop Policies and Guidelines].
 - G.S. 115C-47(34a) [To Establish Work Based Opportunities and Encourage High School to Work Partnerships].

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- G.S. 115C-47(35) [To Produce School Building Improvement Reports].
- G.S. 115C-47(38) [To Establish School Improvement Teams].
- G.S. 115C-105.47A – Proposals to establish alternative learning programs or alternative schools.
- G.S. 115C-105.48 – Placement of students in alternative schools/alternative learning programs.
- G.S. 115C-372 – Assignment to school bus.
- G.S. 115C-438 – Provision for the disbursement of State money.
- G.S. 115C-451 – Reports to State Board of Education; failure to comply with School Budget Act.
- G.S. 115C 521(a) – Class size requirements.

Course of Study Requirements – The local board of education must: (i) provide instruction each year for at least 185 days or 1,025 hours over 9 calendar months; (ii) design its programs to meet at a minimum the student performance standards adopted by the SBE and the student performance goals contained in the renewal school system plan; and (iii) conduct student assessments required in G.S. 115C-174.11.

Identification of Low-Performing Schools – The SBE must identify annually low-performing schools and continually low-performing schools in the LEA operating under a renewal school system plan.

Transportation – The local board of education must provide a system of transportation for students in the LEA operating under a renewal school system plan.

Policy Against Bullying – The LEA operating under a renewal school system plan is encouraged to adopt a policy against bullying or harassing behavior, including cyber-bullying, that is consistent with the provisions of Article 29C of Chapter 115C of the General Statutes. If it does so, it must provide the policy to staff, students, and parents.

Reporting to the State Board – The LEA operating under a renewal school system plan must comply with the reporting requirements established by the SBE in the Uniform Education Reporting System and report any required information annually.

Driving eligibility certificates – The local board of education with an approved renewal school system plan must direct the principal of each school in the LEA to complete requirements related to driving eligibility certificates.

Employees – Beginning August 2, 2018, the local board of education with an approved renewal school system plan must employ and establish the terms of any new or renewed contract with necessary school administrators and teachers to perform the particular service for which they are employed in the schools or in a central administrative role for the local school administrative unit. At least fifty percent (50%) of the teachers in a school must hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts must be college graduates. The local board of education also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services.

These requirements do not apply to a contract of employment that is in effect on August 2, 2018, that by its terms will terminate on a later date, and do not impair any obligations of the local board of education arising under an employment contract executed before August 2, 2018. Statutes governing contracts of employment entered in to by the local board of education prior to August 2, 2018, shall continue to apply until the end of the term of the contract.

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Available State Funds – Beginning with the 2018-2019 fiscal year, the Department of Public Instruction must calculate the amount of State funds to be allocated to the LEA operating under a renewal school system plan on the same basis as other LEAs and distribute those funds to the LEA.

The funds allocated to the LEA must be subject to any restrictions as to use imposed by federal law, the conditions of federal grants, or as provided through any rules that the SBE adopts to ensure compliance. Use of the funds are otherwise unrestricted except as provided in the PCS.

Under no circumstances can the LEA receive a total amount of State funds in the 2018-2019 fiscal year under the disbursement method described that is less than the total amount of State funds the LEA received in the 2017-2018 fiscal year.

Provision for Disbursement of State Money – The deposit of money in the State treasury to the credit of the LEA operating under an approved renewal school system plan must be made as necessary for the operation of the LEA. However, the SBE may withhold money to be distributed to the LEA if any report required to be filed with State school authorities is more than 30 days overdue.

State Budget Act Compliance – The SBE has the authority to require the LEA operating under a renewal school system plan to make reports as it may deem advisable with respect to the financial operation of the schools located in the LEA. If the local board of education willfully or negligently fails or refuses to comply with applicable laws and regulations of the School Budget and Fiscal Control Act, the SBE must issue a warning to the local board of education and direct it to take remedial action. If the local board of education, after warning, persists in willfully or negligently failing or refusing to comply with these laws and regulations, the SBE must by resolution assume control of the financial affairs of the local board of education and shall appoint an administrator to exercise the powers assumed. The adoption of a resolution will have the effect of divesting the local board of education of its powers as to the adoption of budgets, expenditure of money, and all other financial powers conferred upon the local board of education by law.

Withholding for Retirement Contributions – Upon notification by the Board of Trustees of the Teachers' and State Employees' Retirement System to the State Treasurer and the Office of State Budget and Management as to any default of the LEA operating under an approved renewal school system plan, the SBE shall withhold from any State appropriation due to the LEA an amount equal to the sum of all delinquent contributions and payments due to the Retirement Systems Division and shall transmit that amount to the Retirement Systems Division.

SBE Review and Ability to Terminate Renewal School System Plan – The SBE must review the operation and student performance of the LEA operating under a renewal school system plan at the end of the 2022-2023 school year and at least every three years thereafter. This is to ensure that the LEA is meeting the expected academic, financial, and governance strategic goals set forth in the local board of education's plan. The SBE may terminate the renewal school system plan on any of the following grounds:

- Failure to meet the requirements for student performance contained in the plan.
- The majority of schools in the LEA have been identified as low-performing schools in the two school years immediately preceding the review.

If the SBE determines that the LEA has failed to meet generally accepted standards of fiscal management or violated State or federal law, the SBE may terminate the renewal school system plan prior to the end of 2022-2023 school year.

In addition, if the State Superintendent finds that satisfactory progress is not being made after reviewing the reports that are required to be made to the State Superintendent in the section below, the State Superintendent must recommend to the SBE that the renewal school system plan be terminated immediately and the SBE must terminate if this recommendation is made.

House PCS 986

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Upon termination of the renewal school system plan by the SBE, the SBE must develop a transition plan for the local board of education to revert to operating the LEA in accordance with applicable State laws and regulations for other LEAs.

Reporting to State Superintendent – The LEA operating under an approved renewal school system plan must report to the State Superintendent as follows:

- An annual report on the assessment instruments used pursuant to G.S. 115C-174.11(a) and the student outcomes based on those assessments.
- An annual report on the number of classroom teacher and school administrator vacancies, turnover, and use of long-term substitutes in filling vacancies for both classroom teachers and school administrators. This report shall also provide comparisons with the statewide data on these items. In addition, the report shall also provide comparisons with the previous year's data on these items both at the local school administrative unit level and statewide.
- An annual report on student absences with comparisons with the previous year's data on student absences.
- Any other reporting requirements deemed necessary by the State Superintendent of Public Instruction.

EFFECTIVE DATE: Part V of the PCS is effective when it becomes law.

OVERALL BILL EFFECTIVE DATE: Except as otherwise provided, the PCS for HB 986 would become effective when it becomes law.

**Drupti Chauhan, Kara McCraw, Brian Gwyn, and Samantha Yarborough, Staff Attorneys with the Legislative Analysis Division, all substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 986*
Committee Substitute Favorable 6/5/18

Short Title: Revise Cursive and Multiplication Report.

(Public)

Sponsors:

Referred to:

May 23, 2018

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND MAKE PERMANENT THE REPORTING REQUIREMENT ON CURSIVE WRITING AND MULTIPLICATION TABLES AND TO REQUIRE STUDENTS WHO SCORE A LEVEL FIVE ON MATH END-OF-YEAR TESTS TO BE PLACED IN ADVANCED MATH CLASSES THE FOLLOWING YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-81.81. Annual report on cursive writing and multiplication tables.

The State Board of Education and the Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee by March 30 of each year on the compliance of each local school administrative unit with the requirements regarding cursive writing pursuant to G.S. 115C-81.75 and the memorization of multiplication tables pursuant to G.S. 115C-81.80. The report shall include at least the following information:

- (1) The percentage of local school administrative units in the State complying and not complying with G.S. 115C-81.75 and a list of both sets of units.
- (2) The percentage of local school administrative units in the State complying and not complying with G.S. 115C-81.80 and a list of both sets of units.
- (3) A list of all instructional strategies used by each local school administrative unit to comply with G.S. 115C-81.75 categorized by unit.
- (4) A list of each instructional strategy identified pursuant to subdivision (3) of this section and the corresponding percentage of local school administrative units in the State using that strategy to comply with G.S. 115C-81.75.
- (5) If, in any given year, one or more local school administrative units does not respond to inquiries from the Department of Public Instruction related to this section, the percentage of local school administrative units in the State that were nonresponsive and a list of those units."

SECTION 2. Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-81.36. Advanced courses in mathematics.

(a) When practicable, local boards of education shall offer advanced courses in mathematics in all grades three and higher.

(b) When advanced courses are offered in mathematics, any student scoring a level five on the end-of-grade or end-of-course test for the mathematics course in which the student was most recently enrolled shall be enrolled in the advanced course for the next mathematics course in which the student is enrolled. A student in seventh grade scoring a level five on the seventh



1 grade mathematics end-of-grade test shall be enrolled in a high school level mathematics course
2 in eighth grade. No student who qualifies under this subsection shall be removed from the
3 advanced or high school mathematics course in which the student is enrolled unless a parent or
4 guardian of the student provides written consent for the student to be excluded or removed from
5 that course."

6 **SECTION 3.** This act is effective when it becomes law. Section 1 of this act applies
7 to reports submitted on or after that date. Section 2 of this act applies beginning with the
8 2018-2019 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 986

Committee Substitute Favorable 6/5/18

PROPOSED SENATE COMMITTEE SUBSTITUTE H986-CSTC-61 [v.12]

06/12/2018 07:53:32 PM

Short Title: Various Changes to Education Laws.

(Public)

Sponsors:

Referred to:

May 23, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:
4

5 **PART I: CURSIVE WRITING AND MULTIPLICATION REPORT**

6 **SECTION 1.(a)** Part 1 of Article 8 of Chapter 115C of the General Statutes is
7 amended by adding a new section to read:

8 **"§ 115C-81.81. Annual report on cursive writing and multiplication tables.**

9 The State Board of Education and the Department of Public Instruction shall report to the
10 Joint Legislative Education Oversight Committee by March 30 of each year on the compliance
11 of each local school administrative unit with the requirements regarding cursive writing pursuant
12 to G.S. 115C-81.75 and the memorization of multiplication tables pursuant to G.S. 115C-81.80.
13 The report shall include at least the following information:

- 14 (1) The percentage of local school administrative units in the State complying and
15 not complying with G.S. 115C-81.75 and a list of both sets of units.
16 (2) The percentage of local school administrative units in the State complying and
17 not complying with G.S. 115C-81.80 and a list of both sets of units.
18 (3) A list of all instructional strategies used by each local school administrative
19 unit to comply with G.S. 115C-81.75 categorized by unit.
20 (4) A list of each instructional strategy identified pursuant to subdivision (3) of
21 this section and the corresponding percentage of local school administrative
22 units in the State using that strategy to comply with G.S. 115C-81.75.
23 (5) If, in any given year, one or more local school administrative units does not
24 respond to inquiries from the Department of Public Instruction related to this
25 section, the percentage of local school administrative units in the State that
26 were nonresponsive and a list of those units."

27 **SECTION 1.(b)** This section is effective when it becomes law, and applies to reports
28 submitted on or after that date.
29

30 **PART II: ENROLLMENT IN ADVANCED MATHEMATICS COURSES**

31 **SECTION 2.(a)** Article 8 of Chapter 115C of the General Statutes is amended by
32 adding a new section to read:

33 **"§ 115C-81.36. Advanced courses in mathematics.**

34 (a) When practicable, local boards of education shall offer advanced courses in
35 mathematics in all grades three and higher.



(b) When advanced courses are offered in mathematics, any student scoring a level five on the end-of-grade or end-of-course test for the mathematics course in which the student was most recently enrolled shall be enrolled in the advanced course for the next mathematics course in which the student is enrolled. A student in seventh grade scoring a level five on the seventh grade mathematics end-of-grade test shall be enrolled in a high school level mathematics course in eighth grade. No student who qualifies under this subsection shall be removed from the advanced or high school mathematics course in which the student is enrolled unless a parent or guardian of the student provides written consent for the student to be excluded or removed from that course."

SECTION 2.(b) This section applies beginning with the 2018-2019 school year.

PART III: EDUCATOR PREPARATION PROGRAM REPORT CARDS

SECTION 3.(a) G.S. 115C-269.50 reads as rewritten:

"§ 115C-269.50. EPP report cards.

The State Board shall create ~~a~~ an annual report card ~~in a common format~~ for each EPP that, at a minimum, summarizes the information collected in the annual performance reports, as set forth in G.S. 115C-269.35(b). The report cards shall provide user-friendly access to the public, and shall provide the ability to easily compare annual report card information between EPPs, including performance and other data reported by each EPP, as provided in G.S. 115C-269.35(b). The State Board shall make the report cards available to the public through the State Board's Internet Web site on an annual basis beginning December 15, 2019, and shall submit the report to the Joint Legislative Education Oversight Committee annually by that date. ~~The State Board of Education shall also provide the information from each EPP's annual performance report to the Board of Governors of The University of North Carolina to be incorporated into the Teacher Quality Dashboard to provide greater accessibility and comparability of data on the performance of EPPs in the State."~~

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

PART IV: STATE SUPERINTENDENT TESTING STUDY

SECTION 4.(a) The State Superintendent of Public Instruction shall study and make recommendations on ways to reduce testing not otherwise required by State or federal law in kindergarten through twelfth grade. By January 15, 2019, the Superintendent shall report findings and recommendations to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee.

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

PART V: DEPARTMENT OF PUBLIC INSTRUCTION DEVELOP MENTAL HEALTH TRAINING PROGRAM AND SUICIDE RISK REFERRAL PROTOCOL

SECTION 5.(a) The Department of Public Instruction, under the direction of the State Superintendent and in consultation with the Department of Health and Human Services, Division of Public Health, shall do all of the following:

- (1) Develop content standards for a mental health training program that includes all of the following topics:
 - a. Youth mental health.
 - b. Suicide prevention.
 - c. Substance use.
 - d. Sexual abuse prevention.
 - e. Sex trafficking prevention.
- (2) Develop a model mental health training program using content and formatting that are evidence based or evidence informed. The model program shall be formatted to enable personnel to satisfy all training requirements through

1 electronic delivery of instruction, videoconferencing, group in person
2 training, or self study, and shall address one or more of the required topics
3 within a time frame consistent with best practices.

- 4 (3) Develop minimum requirements for a suicide risk referral protocol and
5 develop a model suicide risk referral protocol that provides guidelines on
6 identification of students at risk of suicide, or suspected victims of child abuse,
7 neglect, sexual abuse, or sex trafficking. This model protocol shall include
8 procedures and referral sources that address actions that can or must be taken
9 in response to identification.

10 **SECTION 5.(b)** The State Superintendent shall report the content standards for a
11 mental health training program, model mental health training program, minimum requirements
12 for a suicide risk referral protocol, and model suicide risk referral protocol to the Joint Legislative
13 Education Oversight Committee by October 15, 2018.

14 **SECTION 5.(c)** The State Board of Education shall repeal its School-Based Mental
15 Health Initiative policy, SHLT-003.

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

17 18 **PART VI: RENEWAL SCHOOL SYSTEM**

19 **SECTION 6.(a)** Authorize Renewal School System Plan; Purpose. – A local board
20 of education of a local school administrative unit that has (i) the greatest percentage of restart
21 model schools in the State that have been approved by the State Board of Education pursuant to
22 G.S. 115C-105.37B(a)(2) for the 2017-2018 school year, (ii) received low-wealth supplemental
23 funding for the 2017-2018 fiscal year, and (iii) more than an average daily membership of ten
24 thousand students for the 2017-2018 school year may submit a local school administrative unit
25 renewal plan (renewal school system plan) to the State Board to permit the local board of
26 education to decide all matters related to the operation of the schools under its control within the
27 local school administrative unit, including use of State funds, curriculum, and operating
28 procedures, except as otherwise provided in this section. The purpose of operating the local
29 school administrative unit under a renewal school system plan shall be for the local board of
30 education to design and create a comprehensive, innovative strategic vision for sustainable school
31 improvement and student achievement through the delivery of instruction and resources tailored
32 to the needs of the students and the community.

33 **SECTION 6.(b)** Submission of the Renewal School System Plan. – The State Board
34 of Education shall approve a renewal school system plan that meets the requirements of this
35 section that is submitted to the State Board by the qualifying local board of education by July 15,
36 2018, to begin operation of the plan with the 2018-2019 school year. The local board shall include
37 at least the following components in its renewal school system plan:

- 38 (1) A resolution adopted by the local board of education to implement the plan in
39 the local school administrative unit.
- 40 (2) A description of how the plan will meet the purpose set forth in subsection (a)
41 of this section and an outline of strategic goals, including improving student
42 achievement and at least the following:
- 43 a. Policies and support services that will enhance the ability of each
44 school in the local school administrative unit to achieve its own
45 strategic vision and plan within the context of the school system's
46 vision.
 - 47 b. Strategies for attaining and retaining high quality instructional,
48 support, and administrative school personnel employed by the local
49 board of education.
 - 50 c. Methods for the analysis of data to ensure the local board of education
51 is meeting its strategic goals.

1 **SECTION 6.(c)** State Board Approval. – The State Board shall approve a renewal
2 school system plan that meets the requirements of this section by August 2, 2018. In accordance
3 with subsection (a) of this section, the local board of education with an approved renewal school
4 system plan shall be exempt from statutes and rules applicable to other local school
5 administrative units for the purpose of operating its schools, except as otherwise provided in this
6 section.

7 **SECTION 6.(d)** Applicability of Specific Statutes. – The local board of education
8 with an approved renewal school system plan shall be subject to the following Articles and
9 sections of Chapter 115C of the General Statutes:

10 (1) Article 1, Definitions and Preliminary Provisions.

11 (2) Article 5, Local Boards of Education, except for the following subdivisions of
12 G.S. 115C-47, Powers and duties generally:

13 a. (5) [To Fix Time of Opening and Closing Schools].

14 b. (10) [To Assure Appropriate Class Size].

15 c. (11) [To Determine School Calendar].

16 d. (13) [To Elect a Superintendent].

17 e. (14) [To Supply an Office, Equipment and Clerical Assistance for the
18 Superintendent].

19 f. (15) [To Prescribe Duties of Superintendent].

20 g. (16) [To Remove a Superintendent, When Necessary].

21 h. (17) [To Employ Assistant Superintendents and Supervisors].

22 i. (18a) [To Adopt Rules and Policies Limiting the Noninstructional
23 Duties of Teachers].

24 j. (21) [Employee Salary Schedules].

25 k. (32) [To Refer All Students Who Drop Out of the Public Schools to
26 Appropriate Services].

27 l. (32a) [To Establish Alternative Learning Programs and Develop
28 Policies and Guidelines].

29 m. (34a) [To Establish Work-Based Opportunities and Encourage High
30 School to Work Partnerships].

31 n. (35) [To Produce School Building Improvement Reports].

32 o. (38) [To Establish School Improvement Teams].

33 (3) Article 7, Organization of Schools.

34 (4) G.S. 115C-81.30, Reproductive Health and Safety Education Provided by
35 Local School Administrative Units.

36 (5) Part 1A, North Carolina Read to Achieve Program, and Part 1B of Article 8,
37 School Performance.

38 (6) Article 9, Education of Children With Disabilities.

39 (7) Part 3, Preliminary Scholastic Aptitude Test Opportunities Encouraged, and
40 Part 5, Career and College Readiness, of Article 10A.

41 (8) Article 8C, Local Safety Plans, except G.S. 115C-105.47A, Proposals to
42 establish alternative learning programs or alternative schools, and
43 G.S. 115C-105.48, Placement of students in alternative schools/alternative
44 learning programs.

45 (9) Subsections (c) through (e) of G.S. 115C-218.105, State and local funds for a
46 charter school.

47 (10) Part 9 of Article 16, Cooperative Innovative High School Programs.

48 (11) Part 2 of Article 17, Food Service.

49 (12) Article 21A, Privacy of Employee Personnel Records.

- (13) G.S. 115C-325, System of employment for public school teachers, and Part 6, Criminal History Checks, and Part 8, Sexual Harassment Policies, of Article 22.
- (14) Article 23, Employment Benefits.
- (15) Article 25, Admission and Assignment of Students, except G.S. 115C-372, Assignment to school bus.
- (16) Article 25A, Special Medical Needs of Students.
- (17) Article 26, Attendance.
- (18) Article 27, Discipline.
- (19) Article 28, Student Liability.
- (20) Article 29, Protective Provisions and Maintenance of Student Records.
- (21) Article 29A, Policy Prohibiting Use of Tobacco Products.
- (22) Article 29D, Student Prayer and Religious Activity.
- (23) Article 31, The School Budget and Fiscal Control Act, except G.S. 115C-438, Provision for the disbursement of State money, and 115C-451, Reports to State Board of Education; failure to comply with School Budget Act.
- (24) Article 33, Assumption of School District Indebtedness by Counties.
- (25) Article 34, Refunding and Funding Bonds of School Districts.
- (26) Article 34B, Qualified Zone Academy Bonds and Qualified School Construction Bonds.
- (27) Article 35, Voluntary Endowment Fund for Public Schools.
- (28) Article 36, Voted Tax Supplements for School Purposes.
- (29) Article 37, School Sites and Property, except G.S. 115C-521(a), Class size requirements.
- (30) Article 38, State Insurance of Public School Property.

SECTION 6.(e) Course of Study Requirements. – The local board of education with an approved renewal school system plan shall provide at least the following as part of the course of study:

- (1) Provide instruction each year for at least 185 days or 1,025 hours over nine calendar months.
- (2) Design its programs to meet at a minimum the student performance standards adopted by the State Board of Education and the student performance goals contained in the plan.
- (3) Conduct the student assessments required by G.S. 115C-174.11.

SECTION 6.(f) Identification of Low-Performing Schools. – The State Board of Education shall identify low-performing schools located in the local school administrative unit operating under a renewal school system plan on an annual basis. Low-performing schools are those that earn an overall school performance grade of D or F and a school growth score of "met expected growth" or "not met expected growth" as defined by G.S. 115C-83.15. The State Board shall also identify continually low-performing schools in the local school administrative unit on an annual basis. A continually low-performing school is a school that has been designated by the State Board as low-performing for at least two of three consecutive years.

SECTION 6.(g) Transportation. – The local board of education with an approved renewal school system plan shall provide a system of transportation to students in the local school administrative unit.

SECTION 6.(h) Policy Against Bullying. – The local school administrative unit operating under a renewal school system plan is encouraged to adopt a policy against bullying or harassing behavior, including cyber bullying, that is consistent with the provisions of Article 29C of Chapter 115C of the General Statutes. If the local school administrative unit adopts a policy to prohibit bullying and harassing behavior, the unit 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).

SECTION 6.(i) Reporting to the State Board. – The local school administrative unit with an approved renewal school system plan shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System. The local school administrative unit shall report at least annually to the State Board any information required by the State Board.

SECTION 6.(j) Driving eligibility certificates. – In accordance with rules adopted by the State Board of Education, the local board of education with an approved renewal school system plan shall direct the principal of each school in the local school administrative unit to do all of the following regarding driving eligibility certificates:

- (1) Sign driving eligibility certificates that meet the conditions established in G.S. 20-11.
- (2) Obtain the necessary written, irrevocable consent from parents, guardians, or emancipated juveniles, as appropriate, in order to disclose information to the Division of Motor Vehicles.
- (3) Notify the Division of Motor Vehicles when a student who holds a driving eligibility certificate no longer meets its conditions.

SECTION 6.(k) Employees. – Beginning August 2, 2018, the local board of education with an approved renewal school system plan shall employ and establish the terms of any new or renewed contract with necessary school administrators and teachers to perform the particular service for which they are employed in the schools or in a central administrative role for the local school administrative unit except for those teachers employed pursuant to G.S. 115C-325. At least fifty percent (50%) of the teachers in a school shall hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates. The local board of education also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services.

This subsection (i) shall not apply to a contract of employment in effect on August 2, 2018, that by its terms will terminate on a later date and (ii) does not impair any obligations of the local board of education arising under an employment contract executed before August 2, 2018. Any of the following statutes or Articles of Chapter 115C of the General Statutes that applied to a contract of employment entered in to by the local board of education prior to August 2, 2018, shall continue to apply until the end of the term of the contract:

- (1) Article 18, Superintendent.
- (2) G.S. 115C-287.1, Method of employment of principals, assistant principals, supervisors, and directors.
- (3) Part 3, Principal and Teacher Employment Contracts, of Article 22.
- (4) Article 23, Employment Benefits.

SECTION 6.(l) Available State Funds. – Beginning with the 2018-2019 fiscal year, the Department of Public Instruction shall calculate the amount of State funds to be allocated to the local school administrative unit operating under a renewal school system plan on the same basis as other local school administrative units and shall distribute those funds to the unit. The funds allocated to the local school administrative unit shall be subject to any restrictions as to use imposed by federal law, the conditions of federal grants, or as provided through any rules that the State Board adopts to ensure compliance with federal regulations. Use of these funds shall otherwise be unrestricted except as provided in this section.

In no event shall the local school administrative unit receive a total amount of State funds in the 2018-2019 fiscal year under the disbursement method described in this subsection that is less than the total amount of State funds the local school administrative unit received in the 2017-2018 fiscal year.

SECTION 6.(m) Provision for Disbursement of State Money. – The deposit of money in the State treasury to the credit of the local school administrative unit operating under

1 an approved renewal school system plan shall be made as necessary for the operation of the local
2 school administrative unit.

3 The State Board of Education may withhold money to be distributed to the local
4 school administrative unit if any report required to be filed with State school authorities is more
5 than 30 days overdue.

6 Money in the State Public School Fund and State bond moneys shall be released only
7 on warrants drawn on the State Treasurer, signed by a local official as required by the State
8 Board.

9 **SECTION 6.(n) State Budget Act Compliance.** – The State Board of Education shall
10 have authority to require the local school administrative unit operating under an approved
11 renewal school system plan to make reports as it may deem advisable with respect to the financial
12 operation of the schools located in the unit. If the local board of education willfully or negligently
13 fails or refuses to comply with applicable laws and regulations of the School Budget and Fiscal
14 Control Act, the State Board shall issue a warning to the local board of education and direct it to
15 take remedial action. If the local board of education, after warning, persists in willfully or
16 negligently failing or refusing to comply with these laws and regulations, the State Board shall
17 by resolution assume control of the financial affairs of the local board of education and shall
18 appoint an administrator to exercise the powers assumed. The adoption of a resolution shall have
19 the effect of divesting the local board of education of its powers as to the adoption of budgets,
20 expenditure of money, and all other financial powers conferred upon the local board of education
21 by law.

22 **SECTION 6.(o) Withholding for Retirement Contributions.** – Upon notification by
23 the Board of Trustees of the Teachers' and State Employees' Retirement System to the State
24 Treasurer and the Office of State Budget and Management as to any default of the local school
25 administrative unit operating under an approved renewal school system plan, the State Board
26 shall withhold from any State appropriation due to the local school administrative unit an amount
27 equal to the sum of all delinquent contributions and payments due to the Retirement Systems
28 Division and shall transmit that amount to the Retirement Systems Division.

29 **SECTION 6.(p) State Board of Education Review; Termination of Plan.** – The State
30 Board shall conduct a review of the operation and student performance of the local school
31 administrative unit operating under an approved renewal school system plan following the end
32 of the 2022-2023 school year and, at least every three years thereafter, to ensure that the unit is
33 meeting the expected academic, financial, and governance strategic goals set forth in the local
34 board of education's plan. The State Board may terminate the renewal school system plan after a
35 review upon any of the following grounds:

- 36 (1) Failure to meet the requirements for student performance contained in the
37 plan.
- 38 (2) The majority of schools in the local school administrative unit have been
39 identified as low-performing schools in the two school years immediately
40 preceding the review.

41 If the State Board determines that the local school administrative unit operating under
42 an approved renewal school system plan has failed to meet generally accepted standards of fiscal
43 management or violated State or federal law, the State Board may terminate the renewal school
44 system plan prior to the end of 2022-2023 school year. In addition, if the State Superintendent
45 finds that satisfactory progress is not being made after reviewing the reports required to be
46 submitted under subsection (q) of this section, the State Superintendent shall recommend to the
47 State Board that the renewal school system plan be terminated immediately. The State Board
48 shall terminate the renewal school system plan if such a recommendation is made by the State
49 Superintendent.

50 Upon termination of the renewal school system plan by the State Board, the State
51 Board shall develop a transition plan for the local board of education to revert to operating the

1 local school administrative unit in accordance with applicable State laws and regulations for other
2 local school administrative units.

3 **SECTION 6.(q)** Reporting to State Superintendent. – The local school
4 administrative unit operating under an approved renewal school system plan shall report to the
5 State Superintendent of Public Instruction as follows:

- 6 (1) An annual report on the assessment instruments used pursuant to G.S. 115C-
7 174.11(a) and the student outcomes based on those assessments.
- 8 (2) An annual report on the number of classroom teacher and school administrator
9 vacancies, turnover, and use of long-term substitutes in filling vacancies for
10 both classroom teachers and school administrators. This report shall also
11 provide comparisons with the statewide data on these items. In addition, the
12 report shall also provide comparisons with the previous year's data on these
13 items both at the local school administrative unit level and statewide.
- 14 (3) An annual report on student absences. This data shall provide comparisons
15 with the previous year's data on these items.
- 16 (4) Any other reporting requirements deemed necessary by the State
17 Superintendent of Public Instruction.

18 **SECTION 6.(r)** This section is effective when it becomes law.
19

20 **PART VII: EFFECTIVE DATE**

21 **SECTION 7.** Except has otherwise provided, this act is effective when it becomes
22 law.



HOUSE BILL 611: Employment Contract Exception.

2017-2018 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	June 13, 2018
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Reps. Dobson, Bert Jones, Murphy, Earle	Prepared by:	Samantha Yarborough
Analysis of:	PCS to Second Edition		Staff Attorney
	H611-CSBN-7		

OVERVIEW: *House Bill 611 would define the primary objective of protective services as protecting and providing for the safety and well-being of juveniles.*

The PCS to House Bill 611 removes all of the contents of the 2nd edition of the bill and would create an exception to the restriction on public officers benefiting from public contracts for superintendents of local school administrative units whose spouses have been employed by a local board of education after the spousal relationship has been disclosed to and approved by the local board.

CURRENT LAW: G.S. 14-234 makes it a Class 1 misdemeanor for a public officer who is involved in making or administering a contract on behalf of a public agency to derive benefit from a contract with the public agency he or she serves. There is an exception in G.S. 14-234(b)(3) for an employment relationship between a public agency and the spouse of a public officer who is elected or appointed and is not an employee of the agency. Superintendents of local school administrative units are employees of the local board of education and do not fall into this exception.

G.S. 115C-47(17a) requires local boards of education to adopt anti-nepotism policies requiring that before any immediate family member of any local board of education member or central office staff administrator (including the superintendent) is employed by the local board in any capacity, the proposed employment must be (i) disclosed to the local board of education and (ii) approved by the local board of education in a duly called open-session meeting. The burden of disclosure of such a conflict of interest is on the applicable board member or central office staff administrator.

BILL ANALYSIS: The PCS would create an exception to G.S. 14-234 for an employment relationship between the local board of education and the spouse of the superintendent of the local school administrative unit when the spousal relationship has been disclosed to and approved by the local board of education in an open-session meeting under the local board policy adopted in accordance G.S. 115C-47(17a).

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

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 611
Committee Substitute Favorable 4/19/17

Short Title: Clarify Objective/Child Protective Services.

(Public)

Sponsors:

Referred to:

April 10, 2017

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE OBJECTIVE OF CHILD PROTECTIVE SERVICES AND
WHAT CHILD PROTECTIVE SERVICES ENCOMPASSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-300 reads as rewritten:

"§ 7B-300. Protective services.

(a) The director of the department of social services in each county of the State shall establish protective services for juveniles alleged to be abused, neglected, or dependent. The primary objective of protective services is to protect juveniles and provide for the safety and well-being of juveniles.

(b) Protective services shall include each of the screening following:

(1) Screening of reports, the reports in accordance with instructions provided by the Department of Health and Human Services.

(2) The performance of an assessment using either a family assessment response or an investigative assessment response, casework, or other counseling response.

(3) Casework.

(4) Counseling services to juveniles, parents, guardians, or other caretakers as provided by the director to help the parents, guardians, or other caretakers and the court (i) to prevent abuse or neglect, (ii) to improve the quality of child care, (iii) to be more adequate make more suitable decisions as parents, guardians, or caretakers, and (iv) to better meet the needs of juveniles, (v) to preserve and stabilize family life-life, and (vi) to sustain the long-term care and safety of juveniles."

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





GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

D

HOUSE BILL 611

Committee Substitute Favorable 4/19/17

PROPOSED SENATE COMMITTEE SUBSTITUTE H611-CSBN-7 [v.2]

06/12/2018 07:39:44 PM

Short Title: Employment Contract Exception.

(Public)

Sponsors:

Referred to:

April 10, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE AN EXCEPTION FOR EMPLOYMENT CONTRACTS OF SPOUSES
3 OF SUPERINTENDENTS OF LOCAL SCHOOL ADMINISTRATIVE UNITS WHEN
4 THE LOCAL BOARD OF EDUCATION APPROVES THE EMPLOYMENT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-234(b) reads as rewritten:

7 "(b) Subdivision (a)(1) of this section does not apply to any of the following:

8 (1) Any contract between a public agency and a bank, banking institution, savings
9 and loan association, or with a public utility regulated under the provisions of
10 Chapter 62 of the General Statutes.

11 (2) An interest in property conveyed by an officer or employee of a public agency
12 under a judgment, including a consent judgment, entered by a superior court
13 judge in a condemnation proceeding initiated by the public agency.

14 (3) Any employment relationship between a public agency and the spouse of a
15 public officer of the agency.

16 (3a) Any employment relationship between a local board of education and the
17 spouse of the superintendent of that local school administrative unit, if that
18 employment relationship has been approved by that board in an open-session
19 meeting pursuant to the board's policy adopted as provided in
20 G.S. 115C-47(17a).

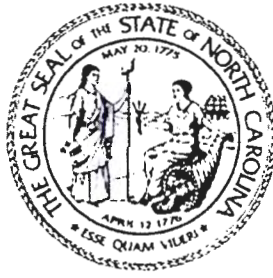
21"

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



* H 6 1 1 - C S B N - 7 *





NC SENATE SERGEANT-AT-ARMS

SENATE COMMITTEE ON EDUCATION/ HIGHER EDUCATION

DATE: 06-13-2018

ROOM: 544

TIME: 12:00 PM

HAL ROACH

LARRY HANCOCK

BILLY FRITSCHER



Senate Pages Attending

COMMITTEE: Education ROOM: 544
DATE: 6-13 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!!!!

Page Name	Hometown	Sponsoring Senator
1. Gabriela Jones	Asheville	Van Duyn
2. Kala Keaton	Cary	Paul Lowe
3. Lorelei Marsh	Chapel Hill	Valerie Foushee
4. SIERRA COLEMAN	RALEIGH	ERICA SMITH
5. Treasure Rouse	Raleigh	Erica Smith
6. Patricia Luy	Wilson	Rick Horner
7. Matt Loman	Wilson Tryon	Hiise
8. Nyla Brickhouse	Raleigh	Ben Clark

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





VISITOR Sign-in

SENATE COMMITTEE ON EDUCATION/ HIGHER EDUCATION

06/13/2018

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Will Price	IOG
Katherine Zylke	NCAAA
Jacqueline Wyant	NCAAA
Susan Harrison	NCDTSEA
Liz Hatter	Smith Anderson
Tyler Ford	McGuire Woods
Robert Grayson	JDA
Kevin Williamson	NCDPI
Chloe Gossage	NCDPI
Stephanie Williams	Intern rep. Gail Adcock
Mrs Malone	intern rep. Malone
Amanda Donovan	KTS





VISITOR Sign-in

SENATE COMMITTEE ON EDUCATION/ HIGHER EDUCATION

06/13/2018

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<u>NAME</u>	<u>FIRM OR AGENCY</u>
Adam Pridemore	NCTEC
Bruce Milder	NCSBA
Tyler Dunn	Citizen
Budgel Berlin	PBLA
Kelle Hatcher	CFTF
Drew Maetz	UNC System
Tom West	NCIC
Jusan Mayo	NCIC
Elizabeth Jackson	Student
Shy Ruker	Ruker Inc
Leanne Wynn	NCSBA
Laura Collins	Sen. Chaudhuri





VISITOR Sign-in

SENATE COMMITTEE ON EDUCATION/ HIGHER EDUCATION

06/13/2018

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Jacob Lo	NewFrame
Lynn Moody	Rowan-Salisbury Schools
Ashleigh Milder	BIST-NC
Brinda Bieg	BIST-NC





VISITOR Sign-in

**SENATE COMMITTEE ON
EDUCATION/ HIGHER EDUCATION**

06/13/2018

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
William Poe	N/A
Mark Black	NCBAA

