

**2019-2020**

**HOUSE  
EDUCATION K-12**

**MINUTES**







**House Committee on Education K-12**  
**Long Session 2019**

Chair

Rep. Jeffrey Elmore

Rep. Craig Horn

Rep. Linda Johnson

Clerk

Linda Stevenson

Erin Wilson

Rhonda Todd



# EDUCATION - K-12

## House Standing Committee

### Chairs



Rep. Elmore

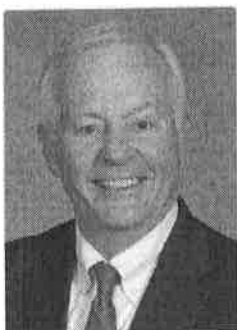


Rep. Horn



Rep. L. Johnson

### Vice Chairs



Rep. Blackwell

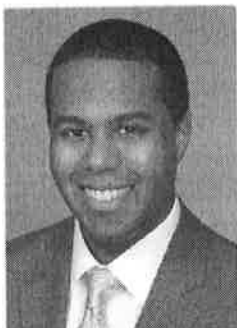


Rep. Brockman

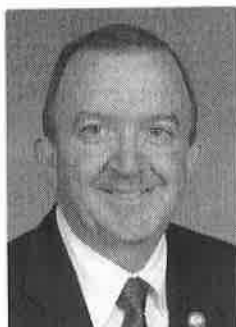
### Members



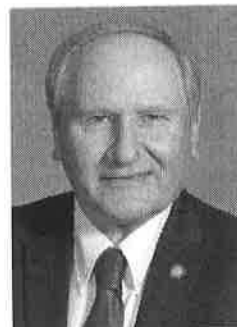
Rep. Ball



Rep. Beasley



Rep. Brewer



Rep. Brody



Rep. Clemmons



Rep. Corbin



Rep. Farmer-Butterfield



Rep. Fisher



Rep. Fraley



Rep. Gailliard



Rep. Gill



Rep. Graham



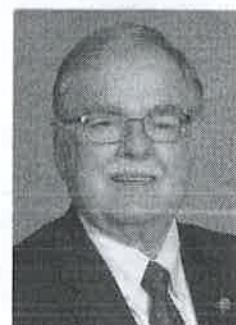
Rep. Hardister



Rep. Iler



Rep. J. Johnson



Rep. Lambeth



Rep. Lucas



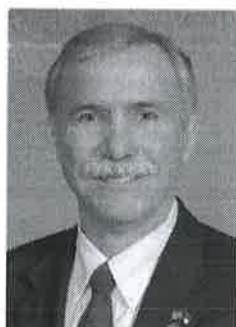
Rep. McNeely



Rep. Meyer



Rep. Potts



Rep. Riddell



Rep. K. Smith



Rep. Strickland



Rep. White

Pursuant to House Rules 26(e) and 26(f), the Chair of the Committee on Rules, Calendar and Operations of the House, the Speaker Pro Tempore, the Majority Leader, and the Deputy Majority Leader are ex officio members of each standing committee and permanent subcommittee with the right to vote. The previous sentence does not apply to the Standing Committee on Ethics. For the purposes of determining a quorum, when serving only as ex officio members, these members shall be counted among the membership of the committee or subcommittee only when present.

**HOUSE COMMITTEE ON EDUCATION K-12**  
**2019 LONG SESSION**

<b><u>MEMBER</u></b>	<b><u>ASSISTANT</u></b>	<b><u>PHONE</u></b>	<b><u>OFFICE</u></b>
Rep. Jeffrey Elmore	Linda Stevenson	733-5935	306A3 LOB
Rep. Craig Horn	Erin Wilson	733-2406	305 LOB
Rep. Linda Johnson	Rhonda Todd	733-5861	301D LOB
Rep. Hugh Blackwell	Brooke Mason	733-5805	541 LOB
Rep. Cecil Brockman	Grady O'Brien	733-5825	2119 LB
Rep. Cynthia Ball	Patty Williams	733-5860	1004 LB
Rep. Chaz Beasley	Michael Wilson	733-5654	403 LOB
Rep. Scott Brewer	Dylan Frick	733-5823	542 LOB
Rep. Mark Brody	Neva Helms	715-3029	416B LOB
Rep. Ashton Clemmons	Rianah Alexander	733-5781	1211 LB
Rep. Kevin Corbin	Cindy Hobbs	733-5859	2215 LB
Rep. Jean Farmer- Butterfield	James Butler	733-5898	1220 LB
Rep. Susan Fisher	Cindy Garrison	715-2013	504 LOB
Rep. John Fraley	Jan Copeland	733-5741	637 LOB
Rep. James Gailliard	Monica Taylor	733-5802	536 LOB
Rep. Rosa Gill	Lisa Ray	733-5880	1303 LB
Rep. Charles Graham	Linda Laton	715-0875	1309 LB
Rep. Jon Hardister	Jayne Nelson	733-5191	638 LOB
Rep. Frank Iler	Carla Langdon	301-1450	639 LOB
Rep. Jake Johnson	Megan Klutz	715-4466	602 LOB
Rep. Donny Lambeth	Pan Briles	733-5747	303 LOB



<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>
Rep. Marvin Lucas	Thelma Utley	733-5775	402 LOB
Rep. Jeffrey McNeely	Barbara Gaiser	733-5661	606 LOB
Rep. Graig Meyer	Daphne Quinn	715-3019	1017 LB
Rep. Larry Potts	Caroline Craig	715-0873	306B1 LOB
Rep. Dennis Riddell	Polly Riddell	733-5905	416A LOB
Rep. Kandie Smith	Edward Sheehy	715-3023	1315 LB
Rep. Larry Strickland	KJ Stancil	733-5849	533 LOB
Rep. Donna McDowell White	Susan Mullins	733-5605	306A2 LOB
Ex-officio			
Rep. John Bell	Susan Horne	715-3017	301F LOB
Rep. Brenden Jones	Andrew Bailey	733-5821	1227 LB
Rep. David Lewis	Grace Rogers	715-3015	2301 LB
Rep. Sarah Stevens	Lisa Brown	715-1883	419 LOB





# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

Members	2/05/19	2/26/19	3/05/19	3/12/19	3/19/19	3/26/19	4/02/19	4/09/19	4/16/19	4/30/19	6/05/19	6/11/19	6/18/19	6/25/19	7/10/19	7/16/19	7/30/19
Committee Chair	Johnson	Elmore	Horn	Johnson	Elmore	Horn	Elmore	Horn	Elmore	Horn	Elmore	Horn	Elmore	Elmore	Horn	Elmore	Horn
Meeting minutes	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rep. Jeffrey Elmore, Chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Craig Horn, Chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓
Rep. Linda Johnson, Chair	✓	-	✓	✓	✓	✓	-	-	-	-	✓	-	✓	-	✓	✓	✓
Rep. Hugh Blackwell, Vice Chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Cecil Brockman, Vice Chair	✓	-	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓
Rep. Cynthia Ball	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Chaz Beasley	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	-	-
Rep. Scott Brewer (A)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	✓	✓	✓	✓	✓	✓	✓
Rep. Mark Brody	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	✓
Rep. Ashton Clemmons	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	-	-	✓	✓	-
Rep. Kevin Corbin	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	-	✓	✓	-
Rep. Jean Farmer-Butterfield	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	-	✓	✓	-	✓	-
Rep. Susan Fisher	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. John Fraley	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. James Gailliard	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-	-	✓	-	✓	-	-
Rep. Rosa Gill	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	-
Rep. Charles Graham	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	-	-
Rep. Jon Hardister	✓	✓	✓	✓	-	✓	✓	✓	✓	-	✓	✓	✓	-	✓	✓	-
Rep. Cody Henson		-	✓		-	✓	✓	-	✓	✓	✓	-	✓	✓	-	✓	n/a
Rep. Frank Iler	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	-
Rep. Jake Johnson (C)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a



Members		2/05/19	2/26/19	3/05/19	3/12/19	3/19/19	3/26/19	4/02/19	4/09/19	4/16/19	4/30/19	6/05/19	6/11/19	6/18/19	6/25/19	7/10/19	7/16/19	7/30/19
Committee Chair		Johnson	Elmore	Horn	Johnson	Elmore	Horn	Elmore	Horn	Elmore	Horn	Elmore	Horn	Elmore	Elmore	Horn	Elmore	Horn
Meeting minutes			X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Rep. Donny Lambeth			✓	✓	✓	✓	✓	-	-	-	-	-	-	-	-	✓	✓	✓
Rep. Marvin Lucas	✓	n/a	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Jeffrey McNeely (B)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Graig Meyer		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Larry Potts		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Dennis Riddell		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rep. Kandie Smith			✓	✓		✓	✓	-	✓	-	✓	✓	✓	✓	✓	✓	✓	-
Rep. Larry Strickland		✓	-	✓		✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓	✓	✓
Rep. Rena Turner			✓	✓		✓	✓	✓	-	✓	✓	✓	✓	✓	✓	n/a	n/a	n/a
Rep. Donna McDowell White	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ex-Officio																		
Rep. John Bell																		
Rep. Brendon Jones																✓		
Rep. David Lewis																		
Rep. Sarah Stevens																		

Footnotes:

- (A) Rep. Brewer was appointed May 1, 2019 to District 66. He was appointed to the House Committee on Education K-12 effective May 16, 2019.
- (B) Rep. McNeely was appointed July 5, 2019 to District 84 and appointed to the House Committee on Education K-12. He replaces Rep. Turner, who resigned June 30, 2019.
- (C) Rep. Jake Johnson was appointed August 2, 2019 to District 113 and appointed to the House Committee on Education K-12. He replaces Rep. Cody Henson, who resigned July 26, 2019.



Updated #1: \*TIME CHANGE\*\*

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, February 5, 2019

**TIME:** 1:00 PM

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 12</u>	School Calendar Flexibility/Alamance County.	Representative Riddell Representative Ross
<u>HB 13</u>	School Calendar Flexibility/Certain Systems.	Representative Howard Representative Setzer

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:42 PM on Friday, February 01, 2019.

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

Rhonda Todd (Committee Assistant)



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, February 5, 2019

**TIME:** 10:00 AM

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 12</u>	School Calendar Flexibility/Alamance County.	Representative Riddell Representative Ross
<u>HB 13</u>	School Calendar Flexibility/Certain Systems.	Representative Howard Representative Setzer

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:29 PM on Thursday, January 31, 2019.

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

Rhonda Todd (Committee Assistant)





**House Committee on Education - K-12**  
**Tuesday, February 5, 2019 at 1:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 1:00 PM on February 5, 2019 in Room 643 of the Legislative Office Building. Representatives Ball, Beasley, Blackwell, ~~Brewer~~, Brockman, Brody, Clemmons, Corbin, Elmore, Farmer-Butterfield, Fisher, Fraley, Gailliard, Gill, Graham, Hardister, Horn, Iler, ~~J. Johnson~~, L. Johnson, Lucas, ~~McNeely~~, Meyer, Potts, Riddell, Strickland, and White attended.

Representative Linda Johnson, Co-Chair, presided, called the meeting to order at 1:10 PM, and introduced the Sergeant At Arms and House Pages. Copies of the agenda, attendance, and visitor registration are attached to these minutes, (Attachment 1-4).

Chairman Johnson welcomed new committee members and visitors.

Chairman Johnson stated a “No Vote” committee and the history of the calendar bill. The Chair deferred to K-12 Staff Attorney, Kara McCraw from the division of Legislative Analysis to explain the bill. Also to address the ‘start’ and ‘end’ dates which have happened over the last fifteen years. Start with 2003 before that requirement was added through present day.

Kara McCraw explained the intent of the bills and referenced *School Calendar* § 115C-84.2.

Three major components were addressed:

1. Date and Hours Requirements - instructional hours
2. Start and End Dates Requirements
3. Exceptions to Start and End Date Requirements and will not address ‘one time exceptions’ – *Good Cause Waiver* emergency conditions “One time” exceptions i.e., hurricanes, snow storms, etc.

DAYS and HOURS Requirements:

2003: 180 days **AND** 1,000 hours of instruction (dual requirement)

2011: 185 days **AND** 1,025 hours flexibility (an exception made in the law that system could apply to the State Board to convert five additional days for professional development)

2012: 185 days **OR** 1,025 hours – no conversion of days

Start and End Dates:

2003: Local Board has the discretion on setting start and end dates

2004: Students could start no earlier than August 25<sup>th</sup> and could not end instruction no later than June 10<sup>th</sup>



2012: Modified to create a floating date which could not start no earlier than the Monday closest August 26<sup>th</sup>, and could end no later than the Friday closest to June 11<sup>th</sup> and Earliest August 23 and latest August 29.

EXCEPTIONS:

- Year-round Schools
- Grandfathered Modified School Calendars
- Both still in current law

Madam Chair opened the floor for discussion and Kara McCraw responded to questions regarding school calendar flexibility

Turner: How many schools exist with the modified calendar?

McCraw: Less than 10 but need to confirm with DPI

Elmore: Which counties with Good Clause Waiver?

McCraw: Schools which have bordered Tennessee

Farmer-Butterfield: requested a copy of Kara McCraw presentation (Attachments 5, 6, and 7)

Representatives Riddell and Ross presented:

**HB 12 School Calendar Flexibility/Alamance County. (Representatives Riddell, Ross)**  
(Attachment 8)

Representatives Riddell and Ross presented the bill to committee:

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local boards of education for the Alamance-Burlington Schools with additional flexibility in adopting their school calendars. Applies beginning with the 2019-20 school year.

Local flexibility comprised by Alamance School Board Superintendent with the concerns:

- Exam schedule concerns following holiday break
- Align community college system to be aligned with K-12 which allows high school students to matriculate into higher education
- Referenced PED Study  
[https://www.ncleg.net/PED/Reports/documents/SchoolCalendar/School\\_Calendar\\_Report.pdf](https://www.ncleg.net/PED/Reports/documents/SchoolCalendar/School_Calendar_Report.pdf)

Graham: Have any LEA currently using the Community College

McCraw: Rowan Community has the flexibility but unsure adheres to the calendar



Graham: Favors the concept of students exam period prior to Christmas break

Iler: Serves on Community College board and concerned cannot matriculate

Riddell: Referenced the PED study regarding school calendar. Low performing schools should have flexibility

North Carolina is 1 of 14 states that currently prescribe when public schools begin the school year and 1 of 2 states that stipulate a date when public schools must end the school year. Prior to 2004, local boards of education had authority to determine start and end dates. The Program Evaluation Division found that opinions differ on when public schools should start and end the school year, and no modification to the State's school calendar law satisfies multiple competing interests, which include organizations representing state government, education, parents and citizens, and travel and tourism. As a result, this report makes no recommendation for changing the school calendar law. PED also found that allowing school calendar flexibility as a mechanism for low-performing schools to address summer learning loss provides an opportunity to increase student performance. To address the needs of low-performing schools, the General Assembly should provide school calendar flexibility for schools and districts identified as low-performing by the State Board of Education, and direct the Department of Public Instruction to evaluate whether a modified school calendar increases student performance in low-performing schools and districts.

**HB 13 School Calendar Flexibility/Certain Systems. (Representatives Howard, Setzer)**  
(Attachment 9)

Representative Howard presented the bill to committee:

Includes whereas clauses. Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local boards of education for the Catawba and Davie County Schools, Hickory Public Schools, and Newton-Conover City Schools with additional flexibility in adopting their school calendars. Applies beginning with the 2019-20 school year.

- Reiterated HB12
- Alignment with traditional and early college
- Davie County Early College and Community College
- Local school boards the opportunity to make the decision
- Do not believe this will impact travel and tourism

Rowan Salisbury pilot program department confirmed have aligned their calendar with the K-12 school year

Beasley: Other states with calendar flexibility

McCraw: SC has 3<sup>rd</sup> Monday in August and studies show there have been greater tourism in the month of August



Representative Lucas: Chairman Johnson, Representative Lucas, and Representative Howard presented the first School Calendar legislation which continues to be contentious!

Chairman Johnson requested staff share the statistics for impact with neighboring states and tourism. The meeting adjourned after discussion

The meeting adjourned at 1:46 PM.

  
Representative Linda Johnson, Presiding Chair  
Presiding

  
Rhonda Todd, Committee Clerk





**House Committee on Education - K-12  
Tuesday, February 5, 2019, 1:00 PM  
643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 12	School Calendar Flexibility/Alamance County.	Representative Riddell
HB 13	School Calendar Flexibility/Certain Systems.	Representative Ross Representative Howard Representative Setzer

**Adjournment**



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education - K - 12

DATE: 2/5/2019 Room: 643 LOB

House Sgt-At Arms:

1. Name: Warren Hawkins

2. Name: Doug Harris

3. Name: Reggie Sills

4. Name: Glen Wall

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

Senate Sgt-At Arms:

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

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

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

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

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



**House Pages  
Assignments  
Tuesday, February 05, 2019  
Session: 4:45 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Member</b>
Education - K-12	643	1:00 PM	Ava Cox	Rep. Charles Graham
			Whitley Dockery	Rep. Brendon H. Jones
			Jackson Robol	Rep. George G. Cleveland
			Ian St. Germain	Rep. John A. Fraley



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rachel Beaulieu	RBlau
Skye David	neufman
Jonas Grepanis	Research Triangle High School
Ed Dennison	MCS Bd of Ed NCSBA Bd. of Directors
Mahmoud Essader	Research Triangle High School
Morco Braga	Research Triangle High school
Marius Clark	Research Triangle High school
Carolina Mansum	RTHS
Debbie Braga	RTHS
Michelle Leonard	Research Triangle High School





# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
ASHLEY FENOGLIO	RESEARCH TRIANGLE HIGH SCHOOL
Katie Chriscoe	Research Triangle High School
Ethan Godwin	Research Triangle High School
Mirabelle Javellana	Research Triangle High School
Marshall Ng	Research Triangle High School
Samuel Marchman	RESEARCH TRIANGLE HIGH SCHOOL
Angelica Dinh	Research Triangle High School
Nicole Hodge	Research Triangle High School
Ruey Woodbridge	Research Triangle High
Annalisa Casar	Research Triangle High School
Gustavo Nativio	Research Triangle High School



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	NP
Samantha Pope	Campbell Law
Kevin Wilkinson	NCDPI
Wade Butler	NCDPI
Juha Adams Schenck	Oak City GR
Andy Chase	KMA
Amanda Donovan	KTS
Isabel Villar-Garcia	NORLA
Kara Weishaar	SA
Bob Heath	McGuire Woods
Sarah Patterson	WM



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Audrey May Lucas	Governor's Office
Sallie James	Governor's office
Sally Seay	
Boss Burnhardt	NP
Susan Harrison	NC DTSEA
Phil Kirk	NCICU
Louisa O'Leary	Save Our Summers - NC
Jeri Royall	NCFPC
Sarah Norman	RTHS
Aidan Buehler	RTHS
James Seay	RTHS



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leila Fathi	RTHS
Maliima Hasan	Research Triangle High School
Hannah Yoder	Research Triangle High School
Groce Lincroft	Research Triangle High School
Jada Brown	Research Triangle High School
Kathryn Leonard	Research Triangle High School
Ava Baumgartner	Research Triangle High School
Joseph Mohler	Research Triangle High School
Carolina Gao	Research Triangle High School
Caleb McDonald	↓
Noah Barton	Research Triangle High School





# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lexi Arthur	A+Co.
Matt Ellinwood	NCJC
Adam P. Denner	NCACC
Cecilia Holder	CPOE/DPI
Sandra Oo	2019 Youth Assembly
Erica Acheampomaa	2019 Youth Assembly
Able' Dodo	2019 youth Assembly
Francis YAD	2019 Youth Assembly
Bruce Mildwurf	NCSA
Resha Fortson	SEANC
Ashley Perkins	Perkins Law



# VISITOR REGISTRATION SHEET

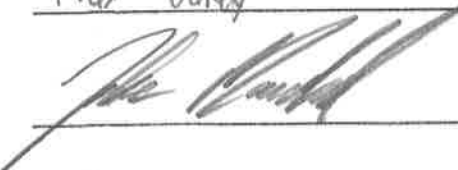
House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Allison Goff	Hunt Institute
Leah Sutton	BEST NC
Emma Dieterle	RTHS
Priane Gildenhuis	RTHS
Jan Robertson	RTHS parent chaperone
Jessica Barton	RTHS parent chaperone
Isabella Rogers	RTHS
Max Conry	RTHS
	RTHS
Ashley Davis	RTHS
James Bobbitt	RTHS



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jonathan Maxwell	RTHS
Haligh Iannotti	RTHS
Helena Ellis	RTHS
Sachith Iyengar	RTHS
Timothy Dong	RTHS
Alex Hadden	RTHS
Paul Glass	RTHS
Cassidy Armani	RTHS
Matthew Tyler	RTHS
Leanne	WCSBA
Enrico Degan	RTHS



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2/5/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ruby Decher	RTHS
Dalia Mouawad	RTHS
Valerie Fried	RTHS
Jeremy Ogburn	RTHS
Justin Gregory	RTHS
Braxton Hamlin	RTHS
Ford Eskley	MWC
Sillian Tolman	Thompson
BRIAN LEWIS	NEW FRAME
Brenna Daniel	2019 UN youth assembly
Lydia Daniel	NCGA Staff
Andrea Bostic	NC SBA





# **SCHOOL CALENDAR START AND END DATE REQUIREMENTS 2003-2018**

House Education K-12  
February 5, 2019  
Legislative Analysis Division



## DAYS AND HOURS REQUIREMENTS

- 2003: 180 days **AND** 1000 hours
- 2011: 185 days **AND** 1025 hours – but 5 days can be converted to teacher workdays
- 2012: 185 days **OR** 1025 hours – no conversion of days



## START AND END DATE REQUIREMENTS

- 2003: Local board discretion on setting start and end dates.
- 2004: Students can start no earlier than August 25, and end no later than June 10.
- 2012: Students can start no earlier than the Monday closest to August 26, and end no later than the Friday closest to June 11.



## EXCEPTIONS

- Year-round Schools
- Grandfathered Modified School Calendars
- Both still in current law.





## EXCEPTIONS

- **Good Cause Waiver**
  - What qualifies as a good cause? Severe weather conditions, energy shortages, power failures, or other emergency situations.
  - How do you qualify? A school system must miss 8 days a year for at least 4 of the last 10 years



## EXCEPTIONS

- **Good Cause Waiver**
  - Created in 2004.
  - 2010: Amended to allow partial day closures to count towards total
  - 2012: Partial day closures no longer count, and schools with waivers can start no earlier than the Monday closest to August 19.



## REPEALED EXCEPTION

- Educational Purpose Waiver: A special calendar for a specific school to:
  - Operate a special program in the school.
  - Serve a special population of students.
  - Serve a defined program within a school.
- Created in 2004.
- Repealed in 2012.



## EXEMPTIONS

- The following types of schools must provide 185 days or 1,025 hours of instruction over 9 months – no other requirements:
  - Charter Schools
  - Cooperative Innovative High Schools
  - Regional Schools
  - Laboratory Schools





## CURRENT STATUS OF SCHOOL CALENDAR LAW

- Must have 185 days or 1025 hours of instruction.
- Must start for students no earlier than the Monday closest to August 26.
- Exceptions to start date are:
  - Good cause waivers
  - Year-round schools
  - Grandfathered modified calendars



## Recommendation

This report describes how state law limits the flexibility of local boards of education to determine their school calendars, which is why these boards continue to request restoration of local control over setting start and end dates for the school year. This report found that the timing of summer break during August is an important concern for the different stakeholder groups and that no option for modifying the school calendar law satisfies their competing interests.

**The disagreement among stakeholders about when North Carolina should start and end the school year cannot be reconciled.** This conflict poses a dilemma because no choice can satisfy all stakeholders and any decision will be perceived as favoring the interests of some stakeholders over others. As a result, this report does not make a recommendation for changing the school calendar law.

However, Finding 3 shows that school calendar flexibility can reduce summer learning loss for disadvantaged students, and this benefit can be addressed by the following recommendation.

**Recommendation. The General Assembly should provide school calendar flexibility for schools and school districts identified as low-performing by the State Board of Education and direct the Department of Public Instruction to evaluate whether a modified school calendar increases student performance in low-performing schools and districts.**

Throughout this recommendation, a school calendar with different start and end dates than allowed under current state law will be referred to as a modified school calendar. As discussed in Finding 3, peer-reviewed literature demonstrates that a modified school calendar with more frequent and shorter breaks throughout the school year than provided by a traditional calendar has the greatest benefit for low-income students. North Carolina already has a mechanism for measuring and identifying low-performing schools and districts that shows a clear correlation between low-performing schools and poverty. Furthermore, the 2016 legislative agenda for the State Board of Education included an action item requesting that low-performing schools be permitted to adopt a modified calendar.

**To assist local boards of education with increasing student performance at low-performing schools, the General Assembly should authorize school calendar flexibility for low-performing schools and districts.** This authority should begin with schools and districts identified by the State Board of Education as low-performing for the 2015–16 school year. School calendar flexibility would apply as follows:

- **Low-performing schools.** Local boards of education would have the flexibility to adopt a modified school calendar for only the schools identified as low-performing by the State Board of Education. Other schools within the district would continue to follow a school calendar with start and end dates mandated by state law unless otherwise exempted.

- **Low-performing school districts.** Local boards of education would have the flexibility to adopt a modified school calendar for all schools within districts identified as low-performing by the State Board of Education, regardless of each individual school's low-performing status.

Unlike the process authorized for recurring low-performing schools under the restart model, State Board of Education approval for school calendar flexibility would not be required. Local boards of education with low-performing schools or districts would include adoption of a modified school calendar as a part of the required improvement plan that is submitted to the State Board of Education. If a local board of education adopts a modified school calendar for low-performing schools, the improvement plan must

- outline goals to be achieved by operating under a modified school calendar;
- explain how operating under a modified school calendar will facilitate accomplishing these goals and increase student achievement;
- provide a description of the modified school calendar including the start date, end date, and scheduled breaks throughout the year;
- propose the targeted interventions to be offered during scheduled breaks or explain why targeted interventions are not being offered; and
- describe how the low-performing schools will measure student and parent satisfaction with the modified school calendar to determine how the modified calendar is affecting families.

To allow sufficient time to evaluate whether operating under a modified school calendar increases student performance, local boards of education should be granted the authority to maintain a modified school calendar for low-performing schools until three years after school performance has reached or exceeded a grade of "C." A low-performing school district should be granted the authority to maintain a modified school calendar for all district schools until three years after the percentage of low-performing schools in the district drops below 50%.

**To determine the effectiveness of a modified school calendar, the General Assembly should direct the Department of Public Instruction (DPI) to evaluate on an ongoing basis whether a modified school calendar increases student performance in low-performing schools.** The improvement plan process would ensure DPI knows whether local boards of education have adopted a modified school calendar for their low-performing schools and districts. DPI should use the existing accountability system for all public schools to track low-performing schools following a modified calendar and compare performance over time to low-performing schools following the traditional calendar mandated by state law. Tracking the effects of a modified school calendar and use of targeted interventions during breaks would allow DPI to evaluate whether a modified school calendar increases student performance in low-performing schools.

The General Assembly should direct DPI to report annually on its ongoing evaluation of the effects of instituting a modified school calendar on

improving student performance at low-performing schools. The first annual report should be submitted to the Joint Legislative Education Oversight Committee by March 15 starting two years after the first low-performing school or district begins following a modified school calendar.

---

## Agency Response

A draft of this report was submitted to the Department of Public Instruction and the State Board of Education to review. Their responses are provided following the appendices.

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## Program Evaluation Division Contact and Acknowledgments

For more information on this report, please contact the lead evaluator, Carol Shaw, at [carol.shaw@ncleg.net](mailto:carol.shaw@ncleg.net).

Staff members who made key contributions to this report include Pat Madej and Emily McCarthy. John W. Turcotte is the director of the Program Evaluation Division.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 12

Short Title: School Calendar Flexibility/Alamance County. (Local)

Sponsors: Representatives Riddell and Ross (Primary Sponsors).

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

January 31, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FLEXIBILITY FOR ALAMANCE-BURLINGTON SCHOOLS IN  
ADOPTING THE SCHOOL CALENDAR.

The General Assembly of North Carolina enacts:

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

"(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. ~~Except for year-round schools, the opening date for students shall be no earlier than the Monday closest to August 26, and the closing date for students shall be no later than the Friday closest to June 11. On a showing of good cause, the State Board of Education may waive the requirement that the opening date for students be no earlier than the Monday closest to August 26 and may allow the local board of education to set an opening date no earlier than the Monday closest to August 19, to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.~~

~~The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar."~~

**SECTION 2.** This act applies only to Alamance-Burlington Schools.

**SECTION 3.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year.







GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 13  
Jan 30, 2019  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10003-MV-19

Short Title: School Calendar Flexibility/Certain Systems. (Local)

Sponsors: Representatives Howard and Setzer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL SCHOOL  
3 ADMINISTRATIVE UNITS LOCATED IN CATAWBA COUNTY AND DAVIE  
4 COUNTY IN ADOPTING THE SCHOOL CALENDAR.

5 Whereas, the local boards of education for the local school administrative units  
6 located in Catawba County and Davie County should be able to schedule school opening and  
7 closing dates for any school in their respective units to coincide with the opening and closing  
8 dates of Catawba Valley Community College or Davidson County Community College; and

9 Whereas, school calendar flexibility would benefit all students in the local school  
10 administrative units of Catawba County and Davie County who are enrolled in classes through  
11 Catawba Valley Community College or Davidson County Community College by allowing them  
12 to align their fall and spring semesters with the fall and spring semesters at their respective  
13 community college; and

14 Whereas, school calendar flexibility would allow local school administrative units  
15 and community colleges in Catawba County and Davie County to meet the workforce  
16 development needs in their respective counties more effectively than the current structure by  
17 helping high school and college students develop the skills necessary for business and industry;  
18 Now, therefore,

19 The General Assembly of North Carolina enacts:

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

21 "(d) Opening and Closing Dates. – Local boards of education shall determine the dates of  
22 opening and closing the public schools under subdivision (a)(1) of this section. ~~Except for~~  
23 ~~year-round schools, the opening date for students shall be no earlier than the Monday closest to~~  
24 ~~August 26, and the closing date for students shall be no later than the Friday closest to June 11.~~  
25 ~~On a showing of good cause, the State Board of Education may waive the requirement that the~~  
26 ~~opening date for students be no earlier than the Monday closest to August 26 and may allow the~~  
27 ~~local board of education to set an opening date no earlier than the Monday closest to August 19,~~  
28 ~~to the extent that school calendars are able to provide sufficient days to accommodate anticipated~~  
29 ~~makeup days due to school closings. A local board may revise the scheduled closing date if~~  
30 ~~necessary in order to comply with the minimum requirements for instructional days or~~  
31 ~~instructional time. For purposes of this subsection, the term "good cause" means that schools in~~  
32 ~~any local school administrative unit in a county have been closed eight days per year during any~~  
33 ~~four of the last 10 years because of severe weather conditions, energy shortages, power failures,~~  
34 ~~or other emergency situations.~~

35 The required opening and closing dates under this subsection shall not apply to any school  
36 that a local board designated as having a modified calendar for the 2003-2004 school year or to



1 any school that was part of a planned program in the 2003-2004 school year for a system of  
2 modified calendar schools, so long as the school operates under a modified calendar."

3 **SECTION 2.** This act applies only to Catawba County Schools, Davie County  
4 Schools, Hickory Public Schools, and Newton-Conover City Schools.

5 **SECTION 3.** This act is effective when it becomes law and applies beginning with  
6 the 2019-2020 school year.



**House Committee on Education K-12  
Tuesday, February 26, 2019 at 1:00 AM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 1:00 AM on February 26, 2019 in Room 643 of the Legislative Office Building. Representatives Elmore and Horn – Co-Chairs; Representatives Blackwell -Vice-Chair; and Representatives Ball, Beasley, Brody, Clemmons, Corbin, Farmer-Butterfield, Fisher, Gailliard, Gill, Graham, Hardister, Iler, Lambeth, Lucas, Meyer, Potts, Riddell, Smith, Turner and White were in attendance. Also in attendance were Representative Black and Torbett.

Representative Elmore, Co-Chair, called the meeting to order at 1:30 and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

The following bills were considered:

**HB 31, Allow Durham Public Schools to Provide Housing** (Primary Sponsors: Representative Black, Morey, Reives, Hawkins), (Attachment 5)

Rep. Elmore recognized Rep. Black to explain the bill. Rep. Black explained the bill is a local bill brought to the legislators by Durham Public Schools to sponsor. The bill will provide housing for Durham school employees and staff. There is no financial obligation from the legislators. The school will work with local partners in the Durham area. The credit union would like to be a partner. The land would be provided by Durham Public schools or the Durham County. Rep. Elmore asked if there were any other questions. Rep. Potts had questions on the number of units that would be built and why does the bill not include the Fire Dept. and Police Dept. employees, Rep. Horn had questions regarding government competing with private partnerships/industry, concerned there is no need for legislative authority, Rep. Beasley, Meyer, Iler Blackwell, Riddell and Graham all had questions or concerns. Rep. Black, Elmore or staff answered all questions. Elmore asked if there were any other questions, seeing none, he recognized Rep. Fisher for motion. Rep. Fisher moved that HB 31 receive a favorable report with referral to State & Local Government. Rep. Elmore called for a vote, the ayes have it, the motion passed.

**HB 73, Civic Responsibility Education** (Primary Sponsors: Representative Torbett, Lewis, Dobson and Bell), (Attachment 6)

Rep. Elmore announced there was a **PCS, H73-CSTC-1**, (Attachment 7) to bring before the committee members, asked if there were any objections, seeing none, he recognized Rep. Torbett



to explain the bill. Rep. Torbett talked about the current law for civic duties and what changes the committee study would like to propose. He explained we need to affect the outcome of the next generation by addressing the three different levels of elementary, middle and high school. Rep. Elmore asked if there were any questions, the following were recognized for questions and concerns, Rep. Graham, Brockman and Ball. The questions were answered by staff and Rep. Horn. Rep. Elmore asked if there were any other questions, seeing none, Rep. Elmore asked for a motion. Rep. Hardister was recognized for a motion for HB 73 to receive a favorable report to the PCS and an unfavorable report to the original bill, with a referral to Rules, Calendar and Operations of the House. Rep. Elmore called for a vote, the Ayes have it, the motion passed.

**HB 76, School Safety Omnibus** (Primary Sponsors: Representative White, Torbett, Horn and Elmore), (Attachment 8)

Rep Elmore announced there was a PCS, H76-CSBN-1(Attachment 9) to bring before the committee members, asked if there were any objections, seeing none, he then announced Rep. Horn had an amendment to the bill. Rep. Elmore recognized Rep. Horn to explain the amendment, (H76-ATC-2[v.1] (Attachment 10). Rep. Horn stated the amendment was strictly "technical". Rep. Elmore asked if there were any questions, seeing none, Rep. Elmore announced the amendment was before the committee and asked for a vote on the amendment. The amendment passed. Rep. Elmore moved back onto the PCS and recognized Rep. White to explain the bill. Rep. White explained the bill is a result of the Safe School Committee. Many outside organization have made recommendations for the changes. The bill establishes requirements for all public schools (Public school unit), clarifies the powers and the duties of the Center for Safer Schools, require threat assessment teams to be established at each public school and codify the duties of the threat assessment teams, require local boards of education to require peer-to-peer support programs at all school with grades six and higher, require county boards of education to develop[ county state of emergency plans for all public school unites in the county, define the term "school resources officer" and require training for SRO's, require annual vulnerability assessments for each public school building. Rep. Elmore thanked Rep. White for her explanation and asked if there were any questions. The following were recognized for questions, Rep. Iler, Graham, Farmer-Butterfield, Brody and Ball. All questions and concerns were addressed by staff and Rep. White. Rep. Elmore asked if there are any other questions or comments, seeing none, Rep. Elmore asked for a motion. Rep. Horn made a motion for a favorable report to the proposed committee substitute and an unfavorable report to the original bill, with a referral to Rules, Calendar and Operations of the House. Rep. Elmore called for a vote on the motion, the Ayes have it and the motion passed.

**HB 57, Create Term for Public Schools & Codify NCVPS** (Primary Sponsors: Representative Elmore, Johnson and Horn), (Attachment 11)

Rep. Horn recognized Rep. Elmore to explain the bill, HB 57. Rep. Elmore explained that the bill is a technical bill, it will organize the information in a better way, allow for a term that can be used, "Public School Unit" that includes various types of public schools in the state and codify the North Carolina Virtual Public School Program which is already in statute. Rep. Horn recognized members for questions Rep. Gill had questions on Charter schools, staff answered her questions. Rep. Horn asked if there were any other questions, seeing none, Rep. Horn recognized



Rep. Hardister for a motion. Rep. Hardister made a motion to move for a favorable report, with a referral to Rules, Calendar and Operation of the House. Rep. Horn called for a vote on the motion, the Ayes have it and the motion passed.

There being no further business before the Committee, Representative Horn adjourned the meeting at 2:40 P.M.

Respectfully submitted:

  
Representative Jeffrey Elmore, Co-Chair

  
Linda M. Stevenson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. HB 31 and Summary
6. HB 73 and Summary
7. PCS, H73-CSTC-1
8. HB 76 and Summary
9. PCS, H76-CSBN-1
10. Amendment, H76-ATC-2 [v.1]
11. HB 57 and Summary





**House Committee on Education - K-12**  
**Tuesday, February 26, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**  
Representative Elmore, Co-Chair

**Introduction of Pages**

**Bills**

**BILL NO.    SHORT TITLE**

**SPONSOR**

PC 5    HB 76 (3)    School Safety Omnibus

Representative White  
Representative Torbett  
Representative Horn  
Representative Elmore

PC 8    HB 73 (2)    Civic Responsibility Education

Representative Torbett  
Representative Lewis  
Representative Dobson  
Representative Bell

HB 31 (1)    Allow Durham Pub. Schools to Provide  
Housing

Representative Black  
Representative Morey  
Representative Reives  
Representative Hawkins

HB 57 (4)    Create Term for Public Schs. & Codify  
NCVPS

Representative Elmore  
Representative Johnson  
Representative Horn



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 73**

Civic Responsibility Education.

Draft Number: H73-PCS30093-TC-1

Serial Referral: **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Torbett

**TOTAL REPORTED: 1**



★ C M R 3 2 - V - 1 ★



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 31**

Allow Durham Pub. Schools to Provide Housing.

Draft Number: None

**Serial Referral: STATE AND LOCAL  
GOVERNMENT**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Black

**HB 57**

Create Term for Public Schs. & Codify NCVPS.

Draft Number: None

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Elmore

**TOTAL REPORTED: 2**



\* C M R 2 9 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 76**

**School Safety Omnibus.**

**Draft Number:** H76-PCS10106-BN-1

**Serial Referral:** **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

**Recommended Referral:** None

**Long Title Amended:** No

**Floor Manager:** White

**TOTAL REPORTED: 1**



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





# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	2/26/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	-																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	-																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	-																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	-																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	✓																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		
Rep. Larry Potts	✓																		



DATES																		
	3/26/19																	
Rep. Dennis Riddell	✓																	
Rep. Kandie Smith	✓																	
Rep. Larry Strickland	-																	
Rep. Rena Turner	✓																	
Rep. Donna McDowell White	✓																	
Ex-officio																		
Rep. John Bell																		
Rep. Brenden Jones																		
Rep. David Lewis																		
Rep. Sarah Stevens																		



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education - K - 12

2/5/2019

DATE: 2-25-19 Room: 643 LOB

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Marvin Lee
3. Name: Warren Hawkins
4. Name: John Gilbert
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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



**House Pages**  
**Assignments**  
**Tuesday, February 26, 2019**  
**Session: 5:15 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Education - K-12	643	1:00 PM	Zephoniya Bond		Speaker Tim Moore
			Kyaicia Gorham		Speaker Tim Moore
			Travion Jones		Speaker Tim Moore
			Yasiman Whitney		Speaker Tim Moore





# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2-26-19



Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

DAVID KEY	ESP Associates 2200 Gateway Centre #2 Morrisville, NC 27650
Cady Thomas	FPA
Shaeagan Jackson	FPA
SUSAN HARRISON	TRC DTSFA
Matt Ellinwood	NC Justice Center
Adam Ruben	Nettel
W. Gardner Culp	PPAD
Mike Forman	WHE
	
April Neumann	MNC
Ty Ford	M&L



# VISITOR REGISTRATION SHEET

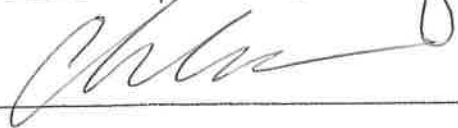
House Committee on Education - K - 12

2-26-19

Name of Committee

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Yelverton	NCA SA
Leanne Winner	NCSBA
Kay Castillo	NAJW-NK
Meisha Evans	DRNC
Kris Parks	DRNK
Trisha Berry	DPI
	DPI
Doug Miskin	PSG
Resha Fortson	SEANL
Julia Adams Schenck	Oak City GK
Dominic Chavez	Pearson Education



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Peterson	Relate Advocacy
Deb Clary	NCSP
Zane Stillman	TSB
Bruce Milder	NCSBA
Sharon M. Jones	NCPCW
David Crawford	AIA NC
Richard Bostic	NC SBA
Sam Currin	SOZ Assoc.
Michelle Frazier	NP
Lindsay Marchello	Carolina Journal
Andy Mann	MVA



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

2-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ed Dennis	Moore County BOE
Clayton Shoemaker	Governor's Ofc
Amanda Donover	KTS
Skye David	newframe
Chloe	SBF
Melinda Shail	Moms Demand Action
DANIEL WILLIS	SELF







**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 76**

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

Page 1 of 1

H76-ATC-2 [v.1]

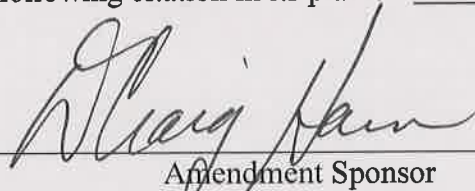
Amends Title [NO]  
H76-CSBN-1

Date 2/26, 2019

Representative Horn

- 1 moves to amend the bill on page 9, line 16, by deleting the citation "G.S. 115C-105.76" and
- 2 substituting the following citation in its place: "G.S. 115C-105.60".

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED



\* H 7 6 - A T C - 2 - V - 1 \*





## HOUSE BILL 76: School Safety Omnibus.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	February 26, 2019
<b>Introduced by:</b>	Reps. White, Torbett, Horn, Elmore	<b>Prepared by:</b>	Samantha Yarborough Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H76-CSBN-1		

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### **OVERVIEW: HB 76 would do the following:**

- *Establish that school safety requirements apply to all public schools, and allow non-public schools to participate.*
- *Clarify the powers and duties of the Center for Safer Schools.*
- *Require threat assessment teams be established at each public school and codify the duties of the threat assessment teams.*
- *Require local boards of education to require peer-to-peer support programs at all schools with grades six and higher.*
- *Require county boards of education to develop county state of emergency plans for all public school units in the county.*
- *Define the term "school resource officer" and require training for SROs.*
- *Require annual vulnerability assessments for each public school building.*

*The PCS for HB 76 would make various technical and clarifying changes, require LME/MCOs to provide assistance to students referred by the superintendent, and require reporting on the operational status of all public schools during states of emergency, rather than the development of a county state of emergency plan.*

### **CURRENT LAW and BILL ANALYSIS:**

**Section 1:** Currently, there is not a universal term that encompasses each type of public school. Charter schools, regional school, and lab schools are encouraged, but not required, to participate in all school safety requirements that exist for traditional public schools.

Section 1.(a) would create a new definition for the term "public school unit" that refers to all public schools operating in the State, including local school administrative units, charter schools, regional schools, and schools operated by various State agencies.

Section 1.(b) would recodify G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 as Part 1 of Article 8C of Chapter 115C of the General Statutes, titled "Local Plans for Alternative Schools/Alternative

Karen Cochrane-Brown  
Director



Legislative Analysis  
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# House PCS 76

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Learning Programs." The remaining sections would be codified into Part 2, "Maintaining Safe and Orderly Schools".

Sections 1.(c) through 1.(q) address charter schools, regional schools, innovative schools, and lab schools and would require each to meet all the school safety requirements that exist for local school administrative units. These include adoption of School Risk Management Plans (SRMPs), annual school-wide tabletop drills and exercises, and provision of schematic diagrams of the schools to local law enforcement and the Division of Public Safety (DPS).

Sections 1.(r) and 1.(s) would encourage religious schools and other nonpublic schools to adopt SRMPs, hold school safety exercises and provide schematic diagrams to local law enforcement and the DPS.

Section 1 becomes effective July 1, 2019.

## **Section 2: Currently, the Center for Safer Schools (Center) does not have delineated responsibilities.**

Section 2.(a) would create specific responsibilities for the Center, including the following:

- Serving as a resource and referral center on school safety concerns.
- Providing training for public school personnel.
- Collecting, analyzing, and disseminating school safety data.
- Developing policies for threat assessment teams, in consultation with Disability Rights NC, the State Bureau of Investigation, and other relevant State government agencies, by no later than December 31, 2019.

The Center would receive guidance from the Task Force for Safer Schools, and would collaborate with other State agencies in its work.

## **Section 3: There is not a current requirement for threat assessment teams in public school units. Under current law, G.S. 115C-316.1, school counselors are required to spend at least 80% of their work time providing direct services to students.**

Section 3.(a) would establish a requirement that all public school units have threat assessment teams to assess and intervene threats that may pose a risk to the safety of school staff or students. These teams would be established consistent with the policies developed by the Center. Requirements would include:

- The option for a unit-wide oversight threat assessment team.
- The requirement that each threat assessment team include persons with expertise in counseling, instruction, school administration, and law enforcement, and when practicable, school psychologists.
- The requirement to immediately report determinations that a student poses a risk of violence or physical harm to self or others to the superintendent or designee, who must notify the student's parent or legal guardian.
- The requirement that the superintendent or designee must refer students to the local management entity/managed care organization (LME/MCO) that serves the catchment area where the student lives, if recommended by the threat assessment team.
- The requirement to report qualitative data to the Center on threat assessment team activities.

Policies for threat assessment teams and threat assessment teams would be required by March 1, 2020.

# House PCS 76

Page 3

Section 3.(b) would give threat assessment teams the authority, upon a determination that a student poses an imminent risk of violence or physical harm to self or others or exhibits significantly disruptive behavior or a need for assistance to obtain criminal history record information and health records. This information could not be re-disclosed or used beyond the purpose for which it was obtained.

Sections 3.(c) and 3.(d) would require local boards of education to require peer-to-peer mentoring, counseling, and support programs in all schools with grades six or higher, and in other grades as appropriate. School counselors, as part of the direct services provided to students, would be required to coordinate and provide training for the peer-to-peer programs. Peer-to-peer support programs would be required for the 2020-2021 school year, but are encouraged for the 2019-2020 school year.

Section 3.(e) would require LME/MCOs that receive mental health referrals as a result of a threat assessment team's determination to contact the student's parent or legal guardian within ten days of receiving the referral. The LME/MCO would have to provide assistance with identifying appropriate existing mental health resources available to the student.

**Section 4: Currently, there is no definition of "countywide state of emergency." There is no requirement that public school units report the operational status of schools during states of emergency.**

Section 4.(a) would define the term "countywide state of emergency." It would require each public school unit in a county under a countywide state of emergency to report the operational status of its schools to the local board of county commissioners or designee for as long as the countywide state of emergency is in place. This section would apply beginning with the 2019-2020 school year.

**Section 5: There are currently no statutory definitions or training requirements for school resource officers.**

Sections 5.(a) through 5.(c) would define the term "school resource officer" and require that training standards for school resource officers be established. These standard would include, at a minimum, training on mental health, students with disabilities, and crisis intervention and de-escalation.

Section 5.(e) would require each public school unit to report annually to the Center for Safer Schools the number of school resource officers and the placement of each officer within the public school unit. The Center for Safer Schools would be required to report an executive summary of this information and the disaggregated data to the Joint Legislative Education Oversight Committee annually.

New requirements for school resource officers in this section would apply to all school resource officers employed beginning with the 2020-2021 school year.

**Section 6: When considering erection of school buildings, local boards of education must follow State Board of Education facilities guidelines, and in the case of temporary classrooms, must use units that meet the approval of the School Planning Division of the Department of Public Instruction per G.S. 115C-521. There is no current law addressing the assessment of potential vulnerabilities arising from day-to-day policies and procedures in the operation of already existing school buildings.**

# House PCS 76

*Page 4*

Section 6.(a) would require the Center for Safer Schools to collaborate with the Division of School Operations of the Department of Public Instruction to develop a facility vulnerability assessment tool in the form of a checklist. It would also require public school units to perform facility vulnerability assessments using the tool developed by the Center for Safer Schools for each school building annually.

Section 6.(b) would require that any facility vulnerability assessments be integrated into the School Risk and Response Management System as a part of the School Risk Management Plan.

**EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 76  
PROPOSED COMMITTEE SUBSTITUTE H76-CSBN-1 [v.4]  
02/25/2019 06:19:17 PM

Short Title: School Safety Omnibus.

(Public)

Sponsors:

Referred to:

February 14, 2019

A BILL TO BE ENTITLED  
AN ACT TO MAKE VARIOUS CHANGES TO IMPROVE SCHOOL SAFETY, AS  
RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SCHOOL SAFETY.  
The General Assembly of North Carolina enacts:

**PART I. REQUIREMENTS FOR SCHOOL SAFETY FOR ALL PUBLIC SCHOOLS**

**SECTION 1.(a)** G.S. 115C-5 is amended by adding a new subdivision to read:

"(11) Public school unit. – Any of the following:

- a. A local school administrative unit.
- b. A charter school.
- c. A regional school.
- d. A school providing elementary or secondary instruction operated by one of the following:
  1. The State Board of Education, including schools operated under Article 7A and Article 9C of this Chapter.
  2. The University of North Carolina, including schools operated under Articles 4, 29, and 29A of Chapter 116 of the General Statutes."

**SECTION 1.(b)** G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 are codified into Part 1 of Article 8C of Chapter 115C of the General Statutes, Local Plans for Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools. Part 1 shall be entitled "Local Plans for Alternative Schools/Alternative Learning Programs." The remaining sections of Article 8C of Chapter 115C of the General Statutes shall be codified into Part 2, which shall be entitled "Maintaining Safe and Orderly Schools."

**SECTION 1.(c)** G.S. 115C-105.49 reads as rewritten:

**"§ 115C-105.49. School safety exercises.**

(a) At least once annually, each ~~local school administrative~~ public school unit shall require each school under its control to hold a full school-wide tabletop exercise and drill based on the procedures documented in its School Risk Management Plan ~~(SRMP).~~ (SRMP) and shall report the date and time the drill is conducted to the Center for Safer Schools. The drill shall include a practice school lockdown due to an intruder on school grounds. Each school is encouraged to hold a tabletop exercise and drill for multiple hazards included in its SRMP. Schools are strongly encouraged to include local law enforcement agencies and emergency management agencies in their tabletop exercises and drills. The purpose of the tabletop exercises and drills shall be to permit participants to (i) discuss simulated emergency situations in a



low-stress environment, (ii) clarify their roles and responsibilities and the overall logistics of dealing with an emergency, and (iii) identify areas in which the SRMP needs to be modified.

...  
(d) The Department of Public Safety, Division of Emergency Management, and the Center for Safer Schools shall provide guidance and recommendations to ~~local school administrative-public school~~ units on the types of multiple hazards to plan and respond to, including intruders on school grounds."

**SECTION 1.(d)** G.S. 115C-105.49A(b) reads as rewritten:

"(b) In constructing the SRRMS, the Division of Emergency Management and the Center for Safer Schools shall leverage the existing enterprise risk management database, the School Risk Management Planning tool managed by the Division. The Division shall also leverage the ~~local school administrative-public school unit~~ and participating nonpublic school schematic diagrams of school facilities. Where technically feasible, the SRRMS shall integrate any anonymous tip lines established pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm systems authorized as part of a SRMP pursuant to G.S. 115C-47(40). The Division and the Center for Safer Schools shall collaborate with the Department of Public Instruction and the North Carolina 911 Board in the design, implementation, and maintenance of the SRRMS."

**SECTION 1.(e)** G.S. 115C-105.52 reads as rewritten:

**"§ 115C-105.52. School crisis kits.**

The Department of Public Instruction, in consultation with the Department of Public Safety through the North Carolina Center for Safer Schools, may develop and adopt policies on the placement of school crisis kits in schools and on the contents of those kits. The kits should include, at a minimum, basic first-aid supplies, communications devices, and other items recommended by the International Association of Chiefs of Police.

The principal of each school, in coordination with the law enforcement agencies that are part of the ~~local board of education's-public school unit's~~ School Risk Management Plan, may place one or more crisis kits at appropriate locations in the school."

**SECTION 1.(f)** G.S. 115C-105.53 reads as rewritten:

**"§ 115C-105.53. Schematic diagrams and emergency access to school buildings for local law enforcement agencies.**

(a) Each ~~local school administrative-public school~~ unit shall provide the following to local law enforcement agencies: (i) schematic diagrams, including digital schematic diagrams, and (ii) either keys to the main entrance of all school buildings or emergency access to key storage devices such as KNOX® boxes for all school buildings. ~~Local school administrative-Public school~~ units shall provide updates of the schematic diagrams to local law enforcement agencies when substantial modifications such as new facilities or modifications to doors and windows are made to school buildings. ~~Local school administrative-Public school~~ units shall also be responsible for providing local law enforcement agencies with updated access to school buildings when changes are made to the locks of the main entrances or to key storage devices such as KNOX® boxes.

(b) The Department of Public Instruction, in consultation with the Department of Public Safety, shall develop standards and guidelines for the preparation and content of schematic diagrams and necessary updates. ~~Local school administrative-Public school~~ units and participating nonpublic schools may use these standards and guidelines to assist in the preparation of their schematic diagrams.

...."

**SECTION 1.(g)** G.S. 115C-105.54(a) reads as rewritten:

"(a) Each ~~local school administrative-public school~~ unit shall provide the following to the Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic diagrams, including digital schematic diagrams, and (ii) emergency response information requested by the Division for the School Risk Management Plan (SRMP). ~~Local school~~



1 ~~administrative~~ Public school units shall also provide updated schematic diagrams and emergency  
2 response information to the Division when such updates are made. The Division shall ensure that  
3 the diagrams and emergency response information are securely stored and distributed as provided  
4 in the SRMP to first responders, emergency personnel, and school personnel and approved by  
5 the Department of Public Instruction."

6 **SECTION 1.(h)** G.S. 115C-218.75(b), (d), and (e) are repealed.

7 **SECTION 1.(i)** G.S. 115C-218.75 is amended by adding a new subsection to read:

8 "(g) Each charter school shall comply with the applicable requirements of Part 2 of Article  
9 8C of this Chapter."

10 **SECTION 1.(j)** G.S. 115C-238.66(7a), (7b), (7c), and (7d) are repealed.

11 **SECTION 1.(k)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

12 "(14) Each regional school shall comply with the applicable requirements of Part 2  
13 of Article 8C of this Chapter."

14 **SECTION 1.(l)** G.S. 116-239.8(b)(10), (11), (12), and (13) are repealed.

15 **SECTION 1.(m)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

16 "(17) Laboratory schools shall comply with the applicable requirements of Part 2 of  
17 Article 8C of Chapter 115C of the General Statutes."

18 **SECTION 1.(n)** G.S. 115C-75.9 is amended by adding a new subdivision to read:

19 "(h1) School Safety. – Innovative schools shall comply with the applicable requirements of  
20 Part 2 of Article 8C of Chapter 115C of the General Statutes."

21 **SECTION 1.(o)** Article 9C of Chapter 115C is amended by adding a new section to  
22 read:

23 **"§ 115C-150.16. School safety.**

24 A school governed by this Article shall comply with the applicable requirements of Part 2 of  
25 Article 8C of Chapter 115C of the General Statutes."

26 **SECTION 1.(p)** Article 4 of Chapter 116 is amended by adding a new section to  
27 read:

28 **"§ 116-69.2. School safety.**

29 The school shall comply with the applicable requirements of Part 2 of Article 8C of Chapter  
30 115C of the General Statutes."

31 **SECTION 1.(q)** G.S. 116-235 is amended by adding a new subsection to read:

32 "(j) School Safety. – The school shall comply with the applicable requirements of Part 2  
33 of Article 8C of Chapter 115C of the General Statutes."

34 **SECTION 1.(r)** G.S. 115C-551 reads as rewritten:

35 **"§ 115C-551. Voluntary participation in the State programs.**

36 (a) Any ~~such~~ private church school or school of religious charter may, on a voluntary  
37 basis, participate in any State operated or sponsored program which would otherwise be available  
38 to such school, including but not limited to the high school competency testing and statewide  
39 testing programs.

40 (b) All private church schools and all schools of religious charter are encouraged to do  
41 the following:

42 (1) School Risk Management Plan. – In coordination with local law enforcement  
43 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents  
44 of school violence. In constructing and maintaining these plans, the school  
45 may utilize the School Risk and Response Management System (SRRMS)  
46 established pursuant to G.S. 115C-105.49A. These plans are not considered a  
47 public record as the term "public record" is defined under G.S. 132-1 and shall  
48 not be subject to inspection and examination under G.S. 132-6.

49 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and  
50 keys to the main entrance of school facilities to local law enforcement  
51 agencies, in addition to implementing the provisions in G.S. 115C-105.52.

(3) School safety exercises. – At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.

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

SECTION 1.(s) G.S. 115C-559 reads as rewritten:

**"§ 115C-559. Voluntary participation in the State programs.**

(a) Any ~~such~~ qualified nonpublic school may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs.

(b) All qualified nonpublic schools are encouraged to do the following:

(1) School Risk Management Plan. – In coordination with local law enforcement agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

(2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.

(3) School safety exercises. – At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.

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

SECTION 1.(t) This section becomes effective July 1, 2019, and applies beginning with the 2019-2020 school year.

**PART II. CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR SAFER SCHOOLS**

SECTION 2.(a) G.S. 115C-105.57 reads as rewritten:

**"§ 115C-105.57. Center for Safer Schools.**

(a) Center for Safer Schools Established. – There is established the Center for Safer Schools. The Center for Safer Schools shall be administratively located in the Department of Public Instruction. The Center for Safer Schools shall consist of an ~~executive director~~ Executive Director appointed by the Superintendent of Public Instruction and such other professional, administrative, technical, and clerical personnel as may be necessary to assist the Center for Safer Schools in carrying out its powers and duties.

1 (b) Executive Director. – The Executive Director shall report to and serve at the pleasure  
2 of the Superintendent of Public Instruction at a salary established by the Superintendent within  
3 the funds appropriated for this purpose.

4 (c) Powers and Duties. – The Center for Safer Schools shall have the following duties,  
5 and all other powers and duties provided in this Article.Article:

- 6 (1) Serve as a resource and referral center for the State by conducting research,  
7 sponsoring workshops, and providing information regarding current school  
8 safety concerns.
- 9 (2) Provide training and professional development for public school personnel in  
10 the development and implementation of initiatives promoting school safety.
- 11 (3) Maintain and disseminate information to public schools on effective school  
12 safety initiatives in North Carolina and across the nation.
- 13 (4) Collect, analyze, and disseminate various North Carolina school safety data.
- 14 (5) Provide technical and instructional assistance to facilitate the development of  
15 partnerships between the public and private sectors to promote school safety  
16 in North Carolina.
- 17 (6) Recommend a system of accountability to the General Assembly to document  
18 school safety exercises, including practice school lockdowns, required by  
19 G.S. 115C-105.49.
- 20 (7) Develop policies for threat assessment teams for public school units in  
21 consultation with the Task Force for Safer Schools, Disability Rights North  
22 Carolina, the State Bureau of Investigation, and relevant State government  
23 agencies. These policies are not a public record as the term "public record" is  
24 defined under G.S. 132-1 and shall not be subject to inspection and  
25 examination under G.S. 132-6. These policies shall include at a minimum  
26 procedures for all of the following:
  - 27 a. Assessment of and intervention with a student whose behavior poses  
28 a risk to the safety of school staff or students.
  - 29 b. Involvement of the student's parent or legal guardian throughout the  
30 threat assessment process.
  - 31 c. Referral to LME/MCOs, as provided in G.S. 122C-115.4(b)(9), for  
32 evaluation or treatment, when appropriate.
  - 33 d. Compliance with the Family Educational Rights and Privacy Act  
34 (FERPA), 20 U.S.C. § 1232g, the Individuals with Disabilities  
35 Education Act (IDEA), 29 U.S.C. § 1400, et seq., and Article 9 of  
36 Chapter 115C of the General Statutes.
- 37 (8) Assist law enforcement officers assigned to schools and their agencies in  
38 active shooter response drills and other pertinent school safety-related  
39 training.
- 40 (9) Collaborate with the North Carolina Justice Academy, the North Carolina  
41 Criminal Justice Education and Training Standards Commission, and the  
42 North Carolina Sheriffs' Education and Training Standards Commission to  
43 establish and maintain updated training curriculum for school resource  
44 officers.
- 45 (10) Coordinate grants for school resource officers in elementary and middle  
46 schools and ensure that training requirements for school resource officers  
47 funded by those grants are met.
- 48 (11) Provide technical assistance to public school units in the development and  
49 implementation of initiatives promoting school safety.

50 (d) Agency Cooperation. – All State agencies and departments shall cooperate with the  
51 Center for Safer Schools in carrying out its powers and duties, as necessary, in accordance with



1 this Article. The Center of Safer Schools shall coordinate, collaborate, and seek information as  
2 necessary to carry out its duties and responsibilities from State and local government agencies,  
3 who shall provide information upon request to the Center. These agencies include the following:

- 4 (1) Department of Public Safety.
- 5 (2) Department of Health and Human Services.
- 6 (3) Department of Public Instruction.
- 7 (4) North Carolina Justice Academy.
- 8 (5) Governor's Crime Commission.
- 9 (6) State Bureau of Investigation Fusion Center, Information Sharing, and  
10 Analysis Center.
- 11 (7) Governing bodies of public school units.
- 12 (8) Local law enforcement agencies.

13 (e) Task Force Guidance. – The Center of Safer Schools shall receive guidance and  
14 advice from the Task Force for Safer Schools."

15 **SECTION 2.(b).** This section is effective when it becomes law. Policies for threat  
16 assessment teams required by G.S. 115C-105.57(c)(7), as enacted by this act, shall be developed  
17 by the Center for Safer Schools no later than December 31, 2019.

### 19 **PART III. THREAT ASSESSMENT TEAMS**

20 **SECTION 3.(a)** Article 8C of Chapter 115C of the General Statutes is amended by  
21 adding a new section to read:

#### 22 **"§ 115C-105.60. Threat assessment teams.**

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

- 24 (1) Superintendent. – The superintendent or, if there is no superintendent, the staff  
25 member with the highest decision-making authority.
- 26 (2) Threat. – A concerning communication or behavior that indicates that an  
27 individual poses a danger to the safety of school staff or students through acts  
28 of violence or other behavior that would cause harm to self or others. A threat  
29 may be expressed or communicated behaviorally, orally, visually, in writing,  
30 electronically, or through any other means, and may be considered a threat  
31 regardless of whether it is observed by or communicated directly to the target  
32 of the threat or observed by or communicated to a third party, and regardless  
33 of whether the target of the threat is aware of the threat.
- 34 (3) Threat assessment. – A fact-based process emphasizing an appraisal of  
35 observed, or reasonably observable, behaviors to identify potentially  
36 dangerous or violent situations, to assess them, and to manage or address  
37 them.
- 38 (4) Threat assessment team. – A team that includes persons with expertise in  
39 counseling, instruction, school administration, and law enforcement that  
40 conducts threat assessments in a public school unit when a threat has been  
41 communicated. When practicable, at least one member of a threat assessment  
42 team shall be a school psychologist, or if a school psychologist is not  
43 available, a psychologist or psychiatrist. Members of a threat assessment team  
44 who are not employees of the public school unit may review student records  
45 as provided in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a written agreement  
46 with the public school unit of the requirements and responsibilities for use of  
47 student records under the federal Family Educational and Privacy Rights Act.

48 (b) The governing body of the public school unit shall adopt at a minimum the policies  
49 developed by the Center for Safer Schools, in accordance with G.S. 115C-105.57(c)(7), for the  
50 establishment of threat assessment teams, including the conduct of threat assessments and  
51 intervention with individuals whose behavior may pose a risk to the safety of school staff or

1 students. These policies are not a public record as the term "public record" is defined under G.S.  
2 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

3 (c) The superintendent or designee may establish a committee charged with coordination  
4 and monitoring of the threat assessment teams operating within the unit, which may be an existing  
5 committee established by the unit. If a committee is established, the committee shall include  
6 individuals with expertise in human resources, education, school administration, mental health,  
7 and law enforcement.

8 (d) Each school in the public school unit shall have a threat assessment team established  
9 by the superintendent. In the discretion of the superintendent, an established threat assessment  
10 team may serve more than one school in the unit. Each team shall do the following:

11 (1) Provide guidance to students, faculty, and staff regarding recognition of  
12 threatening or aberrant behavior that may represent a risk to the community,  
13 school, or self.

14 (2) When a threat has been communicated, conduct threat assessments to  
15 determine appropriate actions and intervention based on the level of risk  
16 determined by the assessment. A threat assessment team shall determine the  
17 level of risk posed by an individual or situation as follows:

18 a. Low risk. – The individual or situation does not appear to pose a risk  
19 of violence or serious harm to self or others and any exhibited issues  
20 or concerns can be resolved easily.

21 b. Moderate risk. – The individual or situation does not appear to pose a  
22 risk of violence or serious harm to self or others, at this time, but  
23 exhibits behaviors that indicate a continuing intent and potential for  
24 future violence or serious harm to self or others or exhibits other  
25 concerning behavior that requires intervention.

26 c. High risk. – The individual or situation appears to pose a risk of  
27 violence or serious harm to self or others, exhibiting behaviors that  
28 indicate both a continuing intent to harm and efforts to acquire the  
29 capacity to carry out the plan, and may also exhibit other concerning  
30 behavior that requires intervention.

31 d. Imminent risk. – The individual or situation appears to pose a clear  
32 and immediate risk of serious violence toward others that requires  
33 containment and action to protect identified or identifiable target or  
34 targets and may also exhibit other concerning behavior that requires  
35 intervention.

36 (3) Identify members of the school community to whom threats should be  
37 reported.

38 (4) Implement policies adopted by the governing body of the public school unit  
39 pursuant to subsection (b) of this section.

40 (5) Utilize anonymous reporting applications for students to receive information  
41 about school safety concerns requiring investigation.

42 (e) Upon a determination that an individual poses a high risk or imminent risk of violence  
43 or physical harm to self or others, a threat assessment team shall immediately report its  
44 determination to the superintendent or the superintendent's designee, who shall respond as  
45 follows:

46 (1) The superintendent or designee shall immediately attempt to notify the  
47 student's parent or legal guardian. The superintendent may delegate the  
48 responsibility for notification to the principal of the school and may require  
49 notice be made to the principal directly.

50 (2) In the case of an imminent risk threat determined to be an emergency by the  
51 superintendent or designee under the standards established by the Family



Educational and Privacy Rights Act in 20 U.S.C. § 1232g(b)(1)(I), the superintendent or designee shall provide notice to individuals who are the subject of the threat and, if a student is the subject of a threat, the superintendent or designee shall provide notice to the student's parent or legal guardian. All notices shall be in accordance with the Family Educational and Privacy Rights Act, 20 U.S.C. § 1232g. The superintendent may delegate the responsibility for notification to the principal of the school and may require notice be made to the principal directly.

(3) In the case of an imminent risk threat, the superintendent or designee shall immediately notify the appropriate local law enforcement agency. In the case of a high risk threat, the superintendent or designee shall notify the appropriate local law enforcement agency when recommended by the threat assessment team.

(4) When recommended by the threat assessment team, the superintendent or designee shall refer the student to the local management entity/managed care organization that serves the catchment area in which the student resides for assistance with identifying appropriate mental health resources, in accordance with G.S. 122C-115.4(b)(9).

(5) The superintendent or designee shall comply with the requirements of Article 27 of this Chapter for any student discipline actions.

Nothing in this subsection shall preclude public school personnel from acting immediately to address an imminent risk threat.

(f) Each threat assessment team established pursuant to this section shall report quantitative data on its activities to the Center for Safer Schools according to guidance developed by the Center. Such data shall include, as a minimum, the following:

(1) Number of threat assessments conducted annually and demographic information on subjects of those assessments.

(2) Number of threat assessments that resulted in a determination that the individual being assessed was a high-risk or imminent-risk threat and demographic information on those individuals.

(3) Types of actions taken in response to a determination that the individual being assessed was a high-risk or imminent-risk threat.

(4) Results of actions taken in response to determination that the individual being assessed was a high risk or imminent risk threat.

(g) Upon a determination by the threat assessment team that an individual poses an imminent risk threat, a threat assessment team may obtain the following:

(1) Health records. – Notwithstanding G.S. 8-53 or any other provision of law, a health care provider may disclose protected health information related to an imminent risk threat to the health or safety of school staff or students to a member of a threat assessment team who is a school nurse, school psychologist, or other licensed health or licensed mental health professional. The member of the threat assessment team who receives the health records shall provide an explanation of the health records when sharing those records with the remainder of the threat assessment team.

(2) Criminal records. – A threat assessment team may obtain criminal history as provided in G.S. 143B-931A. For a threat assessment of a student with juvenile records, the threat assessment team shall have access to written notifications received pursuant to G.S. 7B-3101 and information gained from examination of juvenile records in accordance with G.S. 7B-3100, held pursuant to G.S. 115C-404. Records held pursuant to G.S. 115C-404 shall be returned to the principal following review by the threat assessment team.

1     Any information shared among members of the threat assessment team pursuant to this  
2     subsection shall remain confidential, shall not be a public record subject to Chapter 132 of the  
3     General Statutes, and shall only be released in connection with an emergency under the standards  
4     established by the Family Educational and Privacy Rights Act in 20 U.S.C. § 1232g(b)(1)(I).

5     (h) No governing body of a public school unit, nor its members, employees, designees,  
6     agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused  
7     by any act or omission relating to the participation in or implementation of any component of the  
8     threat assessment team policies required by this section, unless that act or omission amounts to  
9     gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be  
10    construed to impose any specific duty of care or standard of care."

11     **SECTION 3.(b)** Article 13 of Chapter 143B of the General Statutes is amended by  
12     adding a new section to read:

13     **"§ 143B-931A. Criminal records checks for threat assessment teams.**

14     The Department of Public Safety may provide a criminal record check to the members of a  
15     threat assessment team established by the governing body of a public school unit, as defined in  
16     G.S. 115C-5(11), pursuant to G.S. 115C-105.76 for the purpose of administering criminal justice  
17     in assessing or intervening when a determination has been made that an individual poses an  
18     imminent risk threat to school safety. No member of a threat assessment team shall redisclose  
19     any criminal history record information obtained pursuant to this section or otherwise use any  
20     record of an individual beyond the purpose that such disclosure was made to the threat assessment  
21     team."

22     **SECTION 3.(c)** G.S. 115C-47 is amended by adding a new subdivision to read:

23     "(64) Peer-to-peer student support programs. – Local boards of education shall  
24     require peer-to-peer student support programs be established at all schools  
25     with grades six and higher and are encouraged to implement peer-to-peer  
26     student support programs as appropriate in other grades."

27     **SECTION 3.(d)** G.S. 115C-316.1 is amended by adding a new subsection to read:

28     "(c) School counselors, as part of the direct services provided in subsection (a) of this  
29     section, shall coordinate and provide training for students in peer-to-peer student support  
30     programs that address areas such as conflict resolution, general health and wellness, and  
31     mentoring. The Center for Safer Schools will support school counselors in the administration and  
32     delivery of peer-to-peer student support programs."

33     **SECTION 3.(e)** G.S. 122C-115.4(b) is amended by adding a new subdivision to  
34     read:

35     "(9) Each LME/MCO shall receive referrals from school superintendents or  
36     designees in accordance with 115C-105.60(e)(4) related to students residing  
37     in the LME/MCO's catchment area. Within ten calendar days after receipt of  
38     a referral, the LME/MCO shall contact the student's parent or legal guardian  
39     using the information provided on the referral and shall provide assistance  
40     with identifying appropriate existing mental health resources available to the  
41     student. The assistance shall include identifying sources of funding to assist  
42     with the cost of mental health services as well as providing referrals to  
43     appropriate mental health service providers and mental health services."

44     **SECTION 3.(f)** This section is effective when it becomes law. All public school  
45     units, as defined in G.S. 115C-5(11), as enacted by subsection (a) of Section 1 of this act, shall  
46     establish policies and threat assessment teams as required by G.S. 115C-105.60, as enacted by  
47     this act, no later than March 1, 2020. Sections 3.(c) and 3.(d) apply beginning with the 2020-  
48     2021 school year. All local boards of education are encouraged to have peer-to-peer student  
49     support programs by the 2019-2020 school year. The remainder of this section applies beginning  
50     with the 2019-2020 school year.  
51



**PART IV. STATE OF EMERGENCY OPERATIONAL STATUS REPORTING**

**SECTION 4.(a)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.50. State of emergency operational reports.**

(a) For purposes of this section, the term "countywide state of emergency" means a state of emergency with a defined area covering the entirety of the jurisdiction of a county declared by any of the following:

- (1) The President of the United States, under the Stafford Act (P.L. 93-288).
- (2) The General Assembly, under G.S. 166A-19.20.
- (3) The Governor, under G.S. 166A-19.20.
- (4) The governing body of a county, under G.S. 166A-19.22.

(b) In the event of a countywide state of emergency, each public school unit in the county under the state of emergency shall report the operational status of all schools in the unit's jurisdiction to the local board of county commissioners or designee as long as the countywide state of emergency is in place."

**SECTION 4.(b)** This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

**PART V. SCHOOL RESOURCE OFFICER DEFINED/TRAINING STANDARDS/REPORTS**

**SECTION 5.(a)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.70. School resource officer.**

(a) A school resource officer is any law enforcement officer assigned to one or more public schools within a public school unit, at least 20 hours per week, to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned by the public school unit or law enforcement agency that employs the officer. All assigned duties and responsibility shall comply with the requirements of any written memorandum of understanding between the public school unit and the law enforcement agency governing the school resource officer.

(b) All school resource officers must comply with any continuing education training requirements, as established by subsection (c) of this section. A law enforcement officer who did not serve as a school resource officer during the 2019-2020 school year shall also complete the initial training as established by subsection (c) of this section.

(c) The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration with the Center for Safer Schools and the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse, shall establish initial training and continuing education standards for school resource officers. These standards shall, at a minimum, include training on the following topics: mental health, students with disabilities, and crisis intervention and de-escalation."

**SECTION 5.(b)** G.S. 17C-6(a) is amended by adding a new subdivision to read:

**"(19) Establish initial training and continuing education training standards for school resource officers, as set forth in G.S. 115C-105.70."**

**SECTION 5.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:

**"(17) Establish initial training and continuing education training standards for school resource officers, as set forth in G.S. 115C-105.70."**

**SECTION 5.(d)** The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration with the Center for Safer Schools and the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance



Abuse, shall establish initial training standards for school resource officers no later than January 15, 2020.

**SECTION 5.(e)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.71. School resource officer reports.**

(a) Each public school unit shall report by September 15, 2019, and annually thereafter, in writing to the Center for Safer Schools the number of school resource officers and the placement of each school resource officer in the public school unit. This report shall include the source of funding and method of employment for each school resource officer position.

(b) The Center for Safer Schools shall report by November 15, 2019, and annually thereafter, to the Joint Legislative Education Oversight Committee an executive summary and the disaggregated data for each public school unit regarding the information reported by public school units pursuant to subsection (a) of this section."

**SECTION 5.(f)** Subsection (a) of this section is effective when it becomes law and applies to school resource officers employed beginning with the 2020-2021 school year. The remainder of this section is effective when it becomes law.

**PART VI. SCHOOL BUILDING VULNERABILITY ASSESSMENT**

**SECTION 6.(a)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.52A. Facility vulnerability assessments.**

(a) At least once annually, each governing body of a public school unit shall require each school under its control to complete a facility vulnerability assessment for each school building.

(b) The Center for Safer Schools, in collaboration with the Department of Public Instruction, Division of School Operations, shall develop a facility vulnerability assessment tool. This tool shall be in the form of a checklist designed to assess the potential vulnerabilities arising from day-to-day policies and procedures in the operation of school buildings. This tool shall be used by public school units when completing a facility vulnerability assessment."

**SECTION 6.(b)** G.S. 115C-105.49A(b), as amended by Section 1(d) of this act, reads as rewritten:

"(b) In constructing the SRRMS, the Division of Emergency Management and the Center for Safer Schools shall leverage the existing enterprise risk management database, the School Risk Management Planning tool managed by the Division. The Division shall also leverage the public school unit and participating nonpublic school schematic diagrams of school facilities. Where technically feasible, the SRRMS shall integrate any anonymous tip lines established pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm systems authorized as part of a SRMP pursuant to G.S. 115C-47(40). Where technically feasible, the SRRMS shall integrate any facility vulnerability assessments as part of an SRMP pursuant to G.S. 115C-105.52A. The Division and the Center for Safer Schools shall collaborate with the Department of Public Instruction and the North Carolina 911 Board in the design, implementation, and maintenance of the SRRMS."

**SECTION 6.(c)** This section is effective when it becomes law. The Center for Safer Schools and the Department of Public Instruction shall develop the facility vulnerability assessment tool by January 15, 2020. Each governing body of a public school unit shall require each school under its control to complete a facility vulnerability assessment for each school building before the end of the 2019-2020 school year and annually thereafter.

**PART VII. EFFECTIVE DATE**

**SECTION 7.** Except as otherwise provided, this act is effective when it becomes law.





## HOUSE BILL 73: Civic Responsibility Education.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	February 26, 2019
<b>Introduced by:</b>	Reps. Torbett, Lewis, Dobson, Bell	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H73-CSTC-1		Staff Attorney

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**OVERVIEW:** *HB 73 would require that certain social studies courses in elementary, middle, and high school include instruction on civic responsibility as part of the standard course of study.*

*The PCS for HB 73 corrects a missing numeral in a citation and conforms language on instruction to the required courses.*

**CURRENT LAW:** G.S. 115C-81.60 requires character education in local school administrative units as part of the North Carolina Standard Course of Study. Local boards of education must incorporate character education instruction in the curriculum on courage, good judgment, integrity, kindness, perseverance, respect, responsibility, and self-discipline.

Additionally, local boards of education are encouraged, but not required, to include instruction on respect for school personnel, responsibility for school safety, service to others, and good citizenship.

**BILL ANALYSIS:** The PCS for HB 73 would require that the four topics previously encouraged to be taught under G.S. 115C-81.60 (respect for school personnel, responsibility for school safety, service to others, and good citizenship) be included as required instruction on civic responsibility in the standard course of study for each of the three following courses:

- Elementary: North Carolina history and geography.
- Middle: North Carolina history and geography.
- High School: Founding Principles of the United States of America and the State of North Carolina.

**EFFECTIVE DATE:** HB 73 would become effective when it becomes law, and would apply beginning with the 2020-2021 school year.

Karen Cochrane-Brown  
Director



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 73

Short Title: Civic Responsibility Education. (Public)

Sponsors: Representatives Torbett, Lewis, Dobson, and Bell (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 14, 2019

A BILL TO BE ENTITLED  
AN ACT TO ENSURE INSTRUCTION IN CIVIC RESPONSIBILITY, AS RECOMMENDED  
BY THE HOUSE SELECT COMMITTEE ON SCHOOL SAFETY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-46. Civic responsibility.**

(a) The State Board of Education shall include instruction on civic responsibility in the standard course of study for both the elementary and middle school courses for North Carolina history and geography, and the high school course on the Founding Principles of the United States of America and the State of North Carolina.

(b) The instruction of civic responsibility shall be focused on the following:

(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."



\* H 7 3 - V - 1 \*

1           **SECTION 2.(a)** G.S. 115C-81.60(a) reads as rewritten:

2   "**§ 115C-81.60. Character education.**

3       ~~(a)~~     Each local board of education shall develop and implement character education  
4 instruction with input from the local community. The instruction shall be incorporated into the  
5 standard curriculum and should address the following traits:

6           ...."

7           **SECTION 2.(b)** G.S. 115C-81.60(b) is repealed.

8           **SECTION 3.** This act is effective when it becomes law and applies beginning with  
9 the 2020-2021 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 31

Short Title: Allow Durham Pub. Schools to Provide Housing. (Local)

Sponsors: Representatives Black, Morey, Reives, and Hawkins (Primary Sponsors).  
*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, if favorable,  
Commerce, if favorable, Rules, Calendar, and Operations of the House

February 7, 2019

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE THE DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION  
TO PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER  
EMPLOYEES OF DURHAM PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, and subject to the restrictions set out in this act, the Durham Public Schools Board of Education may contract with any person, partnership, corporation, or other business entity to construct, provide, or maintain affordable rental housing on property owned by the Durham Public Schools Board of Education or by Durham County.

**SECTION 2.** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the Durham Public Schools Board of Education may, pursuant to this act, enter into residential housing unit lease agreements for housing units owned by the Board. The Board shall restrict the rental of such units exclusively to Durham Public Schools teachers or other Durham Public Schools employees. The Board shall have the authority to establish reasonable rents for housing units and may in its discretion charge below-market rates.

**SECTION 3.** This act shall not exempt any affordable housing units constructed, provided, maintained, or leased pursuant to this act from compliance with applicable building codes, zoning ordinances, or any other health and safety statutes, rules, or regulations.

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



\* H 3 1 - V - 1 \*







# HOUSE BILL 31: Allow Durham Pub. Schools to Provide Housing.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to State and Local Government. If favorable, re-refer to Commerce. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	February 26, 2019
<b>Introduced by:</b>	Reps. Black, Morey, Reives, Hawkins	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 31 would authorize the Durham Public Schools Board of Education to provide affordable rental housing for teachers and other employees of Durham Public Schools.*

[As introduced, this bill was identical to S99, as introduced by Sens. McKissick, Woodard, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Under G.S. 66-58, which is popularly known as the Umstead Act, governmental units are generally prohibited from engaging in the sale of goods and services in competition with citizens of the State. G.S.115C-518 provides for the disposition of school property when a local board of education determines that a building site or other real or personal property is unnecessary or undesirable for public school purposes. Such property is usually offered to the board of county commissioners at a fair market price or sold by advertisement for sealed bids or at public auction under Article 12 of Chapter 160A of the General Statutes.

**BILL ANALYSIS:** House Bill 31 would authorize the Durham Public Schools Board of Education ("Board") to contract with any person, partnership, corporation, or other business entity to construct, provide, or maintain affordable rental housing on property owned by the Board or by Durham County. Additionally, the Board is authorized to enter into residential housing unit lease agreements for housing units owned by the Board. These rental units must be restricted to Durham Public Schools teachers or other Durham Public Schools employees. The Board may establish reasonable rents and may charge below-market rates. Applicable building codes, zoning ordinances, or other health and safety statutes, rules, or regulations would still apply.

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

**BACKGROUND:** Six other boards of education have similar authority to lease housing to teachers within the local school administrative unit: Dare County Board of Education (S.L. 2004-16); Bertie County Board of Education (S.L. 2006-61); Hertford County Board of Education (S.L. 2006-86); Asheville City Board of Education (S.L. 2007-239); Transylvania County Board of Education (S.L. 2009-154); and Edgecombe County Board of Education (S.L. 2009-161). The specific authority granted to each board of education varies.

Karen Cochrane-Brown  
Director



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





# HOUSE BILL 57: Create Term for Public Schs. & Codify NCVPS.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	February 26, 2019
<b>Introduced by:</b>	Reps. Elmore, Johnson, Horn	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** *House Bill 57 would create a term in the education chapter of the General Statutes that would be used when referring to all the different types of public schools in the State. The bill also codifies the North Carolina Virtual Public School program (NCVPS) in education chapter of the General Statutes to consolidate all references to NCVPS and the NCVPS program in a newly created Part of Article 16 of Chapter 115C (the education chapter).*

## BILL ANALYSIS:

### Part I

House Bill 57 would create the term "public school unit" in the education chapter of the General Statutes (115C) that would be used in statutory drafting when the intent is to include all of the different types of public schools in the State in that statute. Currently, there is no statutorily defined term in Chapter 115C of the General Statutes that can be used to refer to all the different types of public schools in the State. As a result, in order for a statute to apply to all public schools, all the different types of public schools must be listed out in that statute.

### Part II

Created in 2006, the NCVPS is a provider of individual online courses and is a part of the Department of Public Instruction. However, all references to it and the NCVPS program only appear in appropriations/budget bills. House Bill 57 would codify the NCVPS and the NCVPS program in Chapter 115C of the General Statutes so that all changes that are made would be to the statutes rather than amendments to sections of past session laws. The newly created statutes are the laws as they currently exist from the past session laws but are consolidated in one place in Chapter 115C.

**EFFECTIVE DATE:** The bill would become effective July 1, 2019 and would apply beginning with the 2019-2020 school year.

Karen Cochrane-Brown  
Director



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## HOUSE BILL 57: Create Term for Public Schs. & Codify NCVPS.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	February 26, 2019
<b>Introduced by:</b>	Reps. Elmore, Johnson, Horn	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

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**EFFECTIVE DATE:** The bill would become effective July 1, 2019 and would apply beginning with the 2019-2020 school year.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 57

Short Title: Create Term for Public Schs. & Codify NCVPS. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 13, 2019

A BILL TO BE ENTITLED  
AN ACT TO CREATE A TERM FOR PUBLIC SCHOOLS THAT INCLUDES THE  
VARIOUS TYPES OF PUBLIC SCHOOLS IN THE STATE AND TO CODIFY THE  
NORTH CAROLINA VIRTUAL PUBLIC SCHOOL PROGRAM.

The General Assembly of North Carolina enacts:

**PART I. CREATE A TERM IN CHAPTER 115C OF THE GENERAL STATUTES TO  
INCLUDE ALL TYPES OF PUBLIC SCHOOLS IN THE STATE**

**SECTION 1.** G.S. 115C-5 is amended by adding a new subdivision to read:

"(11) Public school unit. – Any of the following:

- a. A local school administrative unit.
- b. A charter school.
- c. A regional school.
- d. A school providing elementary or secondary instruction operated by one of the following:
  1. The State Board of Education, including schools operated under Article 7A and Article 9C of this Chapter.
  2. The University of North Carolina, including schools operated under Articles 4, 29, and 29A of Chapter 116 of the General Statutes.

**PART II. CODIFY THE NORTH CAROLINA VIRTUAL PUBLIC SCHOOL PROGRAM**

**SECTION 2.(a)** Section 7.16 of S.L. 2006-66 is repealed.

**SECTION 2.(b)** Section 7.20 of S.L. 2007-323 is repealed.

**SECTION 2.(c)** Section 7.4 of S.L. 2008-107 is repealed.

**SECTION 2.(d)** Section 7.9 of S.L. 2009-451 is repealed.

**SECTION 2.(e)** Section 7.4 of S.L. 2010-31 is repealed.

**SECTION 2.(f)** Section 3.2A of S.L. 2010-123 is repealed.

**SECTION 2.(g)** Subsections (a) through (k) of Section 7.22 of S.L. 2011-145, as amended by Section 7.12 of S.L. 2012-142, Section 88 of S.L. 2014-115, and Section 6 of S.L. 2017-173, are repealed.

**SECTION 2.(h)** Section 8.9(b) of S.L. 2013-360 is repealed.

**SECTION 2.1.** Article 16 of Chapter 115C of the General Statutes is amended by adding a new Part to read:



\* H 5 7 - V - 1 \*

"Part 11. North Carolina Virtual Education Program.

**"§ 115C-238.74. Definitions.**

The following definitions apply in this Part:

- (1) ADM. – Average daily membership.
- (2) NCVPS. – The North Carolina Virtual Public School program, as established by this Part.
- (3) Nonpublic school student. – A student enrolled in a school that meets the requirements of Part 1, 2, or 3 of Article 39 of this Chapter as identified by the Division of Nonpublic Education, Department of Administration.
- (4) Out-of-state student. – A student who is not qualified to be assigned to a public school in a local school administrative unit in North Carolina pursuant to G.S. 115C-366.

**"§ 115C-238.75. Administration of the North Carolina Virtual Public School program.**

(a) NCVPS shall be administered by the Department of Public Instruction in accordance with this Part.

(b) NCVPS shall be responsible for the following:

- (1) Ensuring access to e-learning course offerings for students residing in rural and low-wealth public school units, in order to expand available instructional opportunities.
- (2) Providing e-learning instructional opportunities for courses required as part of the standard course of study for high school graduation and for Advanced Placement (AP) offerings when not otherwise available to students.
- (3) Establishing NCVPS course quality standards that meet the standards set by the State Board of Education.
- (4) Aligning all courses offered through NCVPS with the North Carolina Standard Course of Study.

(c) Within funds available, NCVPS shall provide NCVPS courses at no cost to all students in North Carolina who are enrolled in North Carolina's public school units, Department of Defense schools, and schools operated by the Bureau of Indian Affairs.

(d) NCVPS courses shall be available to nonpublic school students and out-of-state students. The State Board of Education shall establish a separate per student, per course tuition for nonpublic school students and out-of-state students which shall be adjusted upward from the in-State student fee structure by an amount determined appropriate by the State Board of Education.

(e) NCVPS shall implement a plan, approved by the State Board of Education, to generate revenue from the sale of courses to out-of-state educational entities. Revenue generated by NCVPS under this subsection shall be used to offset instructional costs to public school units pursuant to G.S. 115C-238.76(d)(3).

**"§ 115C-238.76. Allotment formula; adjustments to other allotments; enrollment reserve.**

(a) The State Board of Education shall implement an allotment formula for NCVPS as follows:

- (1) Project NCVPS student enrollment by semester and year-long course types for each public school unit.
- (2) Establish a per student, per course teacher payment structure for the instructional costs of NCVPS. In establishing this payment structure, the State Board of Education shall consider the following:
  - a. The payment structure shall be based on a total compensation analysis to ensure NCVPS teacher pay has parity with similar programs. The total compensation analysis shall take into account salaries, benefits, and work effort to ensure valid comparisons between occupations.



- b. The effects any change in NCVPS teacher payments may have on the attraction and retention of NCVPS teachers.
- (3) Develop a per student, per course fee structure that is based on the per student, per course teacher pay structure. The per student, per course fee structure shall ensure that the projected cost for public school units equals the projected instructional cost for NCVPS courses. The State Board of Education shall consider recommendations from the NCVPS Advisory Council in establishing a per student, per course fee structure.
- (4) Multiply the per student, per course fees by the projected enrollment by course type to determine the total instructional cost for each public school unit.
- (5) Transfer a dollar amount equal to seventy-five percent (75%) of the public school unit's projected instructional cost from the classroom teacher allotment to NCVPS.
- (6) No later than February 28 of each year, calculate the actual instructional cost for each public school unit based upon actual NCVPS enrollment as of that date.
- (7) Subtract the amount transferred pursuant to subdivision (5) of this subsection from the actual instructional cost for each public school unit and transfer the remaining dollar amount owed, up to a maximum of one hundred percent (100%) of the projected cost.
- (8) Develop and implement a policy regarding returning funds to public school units in cases where the amount transferred pursuant to subdivision (5) of this subsection exceeds the actual instructional cost.
- (b) The State Board of Education shall reduce each public school unit's classroom teacher allotment, or other allotment, as determined by the State Board of Education, on the basis of ADM in grades six through 12 to support the State-level operations and administration of NCVPS. The allotment reduction to support the State-level operations and administration of NCVPS shall be based on the reduction taken from the prior fiscal year but shall be adjusted annually based upon the percentage growth in NCVPS enrollment to ensure the expansion of services due to increased student enrollment in NCVPS courses.
- (c) An NCVPS enrollment reserve fund shall be maintained in an amount of at least two million dollars (\$2,000,000). For each fiscal year, the State Board of Education shall reduce each public school unit's classroom teacher allotment, or other allotment, as determined by the State Board of Education, on the basis of ADM in grades six through 12 by an amount that is the difference between two million dollars (\$2,000,000) and the balance of the NCVPS enrollment reserve. The funds in the NCVPS enrollment reserve fund shall not revert and shall be used to cover the NCVPS instructional cost of students enrolled in (i) public school units with enrollments exceeding projected NCVPS enrollment, (ii) Department of Defense schools, and (iii) schools operated by the Bureau of Indian Affairs.
- (d) Only the following funds shall be used to cover the instructional costs of NCVPS:
- (1) Funds provided through the NCVPS allotment formula, as established by subsection (a) of this section.
- (2) Funds provided through the NCVPS enrollment reserve, as set forth in subsection (c) of this section.
- (3) Funds from the sale of courses to out-of-state educational entities, pursuant to G.S. 115C-238.75(d).
- (4) Local funds, including funds from private sources.
- (5) Federal funds.
- (6) The Special State Reserve Funds for Children and Youth with Disabilities.
- (7) The ADM Contingency Reserve.

**"§ 115C-238.77. NCVPS Advisory Council.**

1     The State Board of Education shall establish the NCVPS Advisory Council to review NCVPS  
2     strategic planning, operational initiatives, and readiness for twenty-first century online learning.  
3     The membership of the Advisory Council, as appointed by the State Board of Education, shall  
4     consist of key stakeholders across the State with expertise in online learning from a variety of  
5     fields, including elementary and secondary education, business, universities and colleges, and  
6     the community at large.

7     **"§ 115C-238.78. NCVPS reporting requirements.**

8     The Department of Public Instruction shall submit an annual report on the operation of  
9     NCVPS to the State Board of Education no later than December 15 of each year. The report shall  
10    use data from the previous fiscal year and shall include statistics on actual versus projected costs  
11    to public school units, student enrollment, virtual teacher salaries, and measures of academic  
12    achievement.

13    **"§ 115C-238.79. Other virtual education providers.**

14    Local school administrative units may partner with eligible providers other than NCVPS for  
15    e-learning opportunities. Eligible providers shall meet all of the following:

- 16       (1)   Be accredited by a regional accrediting agency such as, but not limited to,  
17       AdvancEd or the Southern Association of Colleges and Schools (SACS).
- 18       (2)   Employ teachers who hold teaching licenses from states that participate in the  
19       NASDTEC Educator Identification Clearinghouse.
- 20       (3)   Ensure that courses offered to North Carolina students are aligned to the North  
21       Carolina Standard Course of Study."

22    **SECTION 2.2.** The allotment reduction to support the State-level operations and  
23    administration of the NCVPS required by G.S. 115C-238.76(b), as enacted by this act, shall be  
24    in the amount of at least three million seven hundred sixty thousand eight hundred sixteen dollars  
25    (\$3,760,816), as was effective for the 2018-2019 fiscal year. In accordance with  
26    G.S. 115C-238.76(b), this allotment reduction amount shall be adjusted annually based upon the  
27    percentage growth in NCVPS enrollment to ensure the expansion of services due to increased  
28    student enrollment in NCVPS courses.

29    **SECTION 2.3.** This act becomes effective July 1, 2019, and applies beginning with  
30    the 2019-2020 school year.

**House Committee on Education - K-12**  
**Tuesday, March 5, 2019 at 1:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 1:00 PM on March 5, 2019 in Room 643 of the Legislative Office Building. Representatives Jeffrey Elmore, Craig Horn, Linda Johnson, Hugh Blackwell, Cecil Brockman, Cynthia Ball, Chaz Beasley, Mark Brody, Ashton Clemmons, Kevin Corbin, Jean Farmer-Butterfield, Susan Fisher, John Fraley, James Gailliard, Rosa Gill, Charles Graham, Jon Hardister, Cody Henson, Frank Iler, Donny Lambeth, Marvin Lucas, Graig Meyer, Larry Potts, Dennis Riddell, Kandie Smith, Larry Strickland, Rena Turner, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 1:08 PM and introduced the Sergeant-At-Arms who would be assisting with the committee and recognized the pages. Copies of the attendance and visitor registration are attached to these minutes, (Attachments 1-4).

The following bills were considered:

**HB 90, DPI/EC Div. Feedback/DIT Study/PED report.** (Primary Sponsors: Representative Horn and Farmer-Butterfield), (Attachments 5-6)

Representative Elmore recognized Representative Horn to explain the bill. The bill would require the Department of Public Instruction, Exceptional Children Division to develop a system of evaluation of certain technical assistance and support programs, and direct certain agencies to study the feasibility of local school administrative units participating in NC HealthConnex. Representative Elmore asked if there was any questions or discussion on the bill. Representative Iler asked if anyone is opposing this bill and would like to give a motion at the proper time. Representative Blackwell expressed his concerns pertaining to exceptional children's issues and the data that judges the effectiveness of how we are doing in helping prepare those students for life after school. Representative Blackwell asked if there was an opportunity to look at the impact of the cap on the LEAs in providing services that would be reported or involved with the HealthConnex. Representative Blackwell asked about the summary of the bill. Representative Graham asked if LEAs are billing Medicaid for services. Representative Elmore asked for a motion. Representative Iler was recognized for a motion to receive a favorable report for HB 90. The bill has a serial referral to Health. Representative Elmore called for a vote and the motion passed.

**HB 241, Education Bond Act of 2019.** (Primary Sponsors: Representative Moore, Johnson, Elmore, and Horn) (Attachments 7-8)

Representative Horn announced there was a PCS for **HB 241, Education Bond Act of 2019.** (Attachment 9) Representative Horn recognized Representative Lambeth for a motion to have the PCS brought before the committee. There was no objection to the PCS. Representative Horn recognized Speaker Moore to explain the bill. The bill would place a referendum on the November



2020 ballot for a \$1.9 billion bond for public school capital outlay projects, community college capital outlay projects, and UNC constituent institution capital outlay projects statewide. The PCS for HB 241 would clarify terminology, correct sums, correct internal cross-references, clarify how county wealth factors are identified for community college prioritization rankings, change the date of the bond election from November 2020 to March 2020, and clarify reporting requirements for the UNC system on bond projects. Representative Brockman expressed his concern that Guilford County was getting shortchanged. Representative Corbin spoke on rural counties and the formula. Representative Meyer mentioned it is a good time to invest in public education and asked about the long-term scope of our ability to address all of our facilities' needs. Representative Meyer also asked about the Speaker's vision of how to address the \$8 billion need overall over the long-term and why are we limiting this bill to only \$1.3 billion when the Speaker had acknowledged that we are in a good position as a state. The Speaker clarified the total was \$1.9 billion not \$1.3 billion. Representative Beasley asked about the \$10 million figure, the background on why that number was chosen, and why is it per county instead of per LEA. Representative Johnson said that we are trying to help the counties solve their problems with this bill. Representative Strickland mentioned the last bond issued was in 1996. Representative Graham mentioned the devastation of Robeson County, asked where we go from here, and can we look at this from a federal perspective. Representative Clemmons mentioned that the PCS moves the bond from the November ballot to the primary ballot in March and wanted to understand where that came from. Representative Gaillard asked if the formula took into account anticipated capital needs of a LEA to make sure we weren't proportionally skewing the support. Representative Johnson spoke on average percent of ability to tax. Representative Iler asked about match and the tier system. Representative Brody asked about the low wealth formula. Representative Corbin mentioned the discussion of the amount of the bond and thought if the amount was higher it wouldn't pass. Representative Lambeth mentioned a low-interest bond was a good fit to meet capital needs and asked about the Community College piece. Representative Horn asked for a motion. Representative Corbin was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Finance. Representative Horn asked for a vote and the motion passed.

**HB 151, Katelyn's Law.** (Primary Sponsor: Representative Lambeth) (Attachments 10-11)

Representative Horn announced there was a PCS for **HB 151, Katelyn's Law.** (Attachment 12) Representative Horn recognized Representative Fraley for a motion to have the PCS brought before the committee. There was no objection to the PCS. Representative Horn recognized Representative Lambeth to explain the bill. The bill would require the State Board of Education to adopt rules excusing absences for students attending a legislative event and would ensure that certain excused absences do not affect a student's participation in an approved attendance recognition program. The PCS for HB 151 would make several technical changes to assist with organization of the statute. Representative Horn asked for a motion. Representative Graham was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to State and Local Government. Representative Horn asked for a vote and the motion passed.

The meeting adjourned at 2:00 PM.





Representative D. Craig Horn, Chair  
Presiding



Erin Wilson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms and Pages
4. Visitor Registration
5. HB 90 Summary
6. HB 90 Edition 1
7. HB 241 Summary
8. HB 241 Edition 1
9. PCS H241-CSTCx-2 [v.5]
10. HB 151 Summary
11. HB 151 Edition 1
12. PCS H151-CSBE-2 [v.6]





**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, March 5, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn will preside.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 90</u>	DPI/EC Div. Feedback/DIT Study/PED report.	Representative Horn Representative Farmer-Butterfield
<u>HB 151</u>	Katelyn's Law.	Representative Lambeth

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:29 PM on Thursday, February 28, 2019.

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

Erin Wilson (Committee Assistant)



Updated #1: Added HB 241

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

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<u>HB 90</u>	DPI/EC Div. Feedback/DIT Study/PED report.	Representative Horn Representative Farmer-Butterfield
<u>HB 151</u>	Katelyn's Law.	Representative Lambeth
<u>HB 241</u>	Education Bond Act of 2019.	Representative Moore Representative Johnson Representative Elmore Representative Horn

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 7:14 PM on Monday, March 04, 2019.

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

Erin Wilson (Committee Assistant)



**House Committee on Education - K-12**  
**Tuesday, March 5, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**  
Representative Horn, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 90	DPI/EC Div. Feedback/DIT Study/PED report.	Representative Horn Representative Farmer-Butterfield
HB 151	Katelyn's Law.	Representative Lambeth
HB 241	Education Bond Act of 2019.	Representative Moore Representative Johnson Representative Elmore Representative Horn



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 90**

DPI/EC Div. Feedback/DIT Study/PED report.

Draft Number: None

**Serial Referral: HEALTH**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Horn

**TOTAL REPORTED: 1**



\* C M R 5 7 - V - 1 \*





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 151**

Katelyn's Law.

Draft Number:	H151-PCS10135-BE-2
<b>Serial Referral:</b>	<b>STATE AND LOCAL GOVERNMENT</b>
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lambeth

**HB 241**

Education Bond Act of 2019.

Draft Number:	H241-PCS10133-TCx-2
<b>Serial Referral:</b>	<b>FINANCE</b>
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Moore

**TOTAL REPORTED: 2**



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



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES																		
	3/5																	
Rep. Jeffrey Elmore, Chair	✓																	
Rep. Craig Horn, Chair	✓																	
Rep. Linda Johnson, Chair	✓																	
Rep. Hugh Blackwell, Vice Chair	✓																	
Rep. Cecil Brockman, Vice Chair	✓																	
Rep. Cynthia Ball	✓																	
Rep. Chaz Beasley	✓																	
Rep. Mark Brody	✓																	
Rep. Ashton Clemmons	✓																	
Rep. Kevin Corbin	✓																	
Rep. Jean Farmer-Butterfield	✓																	
Rep. Susan Fisher	✓																	
Rep. John Fraley	✓																	
Rep. James Gailliard	✓																	
Rep. Rosa Gill	✓																	
Rep. Charles Graham	✓																	
Rep. Jon Hardister	✓																	
Rep. Cody Henson	✓																	
Rep. Frank Iler	✓																	
Rep. Donny Lambeth	✓																	
Rep. Marvin Lucas	✓																	
Rep. Graig Meyer	✓																	
Rep. Larry Potts	✓																	



DATES																
	3/5															
Rep. Dennis Riddell	✓															
Rep. Kandie Smith	✓															
Rep. Larry Strickland	✓															
Rep. Rena Turner	✓															
Rep. Donna McDowell White	✓															
Ex-officio																
Rep. John Bell																
Rep. Brenden Jones																
Rep. David Lewis																
Rep. Sarah Stevens																



Committee Sergeants at Arms

House Committee, Education K-12

NAME OF COMMITTEE \_\_\_\_\_

DATE: 03/05/2019 \_\_\_\_\_

Room: 643 LOB \_\_\_\_\_

House Sgt-At Arms:

1. Name: Terry McCraw \_\_\_\_\_
2. Name: Jim Moran \_\_\_\_\_
3. Name: Thomas Terry \_\_\_\_\_
4. Name: Rey Cooke \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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





**House Pages  
Assignments  
Tuesday, March 05, 2019  
Session: 4:45 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Education - K-12	643	1:00 PM	Ramón Bernál		Speaker Tim Moore
			Jackson Omohundro		Rep. Pricey Harrison
			Colby Parks		Rep. D. Craig Horn



# VISITOR REGISTRATION SHEET

House Committee, Education K-12

03/05/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Dusan Harrison	NCDTSEA
Parish Moffitt	Cubarus Co Resident
Zane Stillwell	TSG
[Signature]	[Signature]
April Neumann	MWC
Ty Ford	MWC
Dodie Renfer	Nelson Mullins
Amber Donovan	KTS
Andrew Meehan	NC Chamber
Cam Hanly	MCA
Martez Hill	



# VISITOR REGISTRATION SHEET

House Committee, Education K-12

03/05/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Elizabeth Guovante	NCCCS
Cholder	NCPPA
Loanne Wimmer	NCSBA
Amber Harris	NCAZZ
Sallie James	Governor's Office
Leah Sutton	Best NC
STANES	OST
Justin Clayton	THE Governor
Del Mando	Begunings
Alicia Paris	NC DPS



# VISITOR REGISTRATION SHEET

House Committee, Education K-12

03/05/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Holden McLemore	NCICU
Andy Chase	KMA
Elizabeth Yewerton	NCASA
Mickey Mouse	KMM Radio
Emma Shelby	TPG
Geoff Coltrane	Gov Office
Chris Emanuel	EMANUEL GROUP
Rachel Beah	RB Law







# HOUSE BILL 90: DPI/EC Div. Feedback/DIT Study/PED report.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 5, 2019
<b>Introduced by:</b>	Reps. Horn, Farmer-Butterfield	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *HB 90 would require the Department of Public Instruction, Exceptional Children Division to develop a system of evaluation of certain technical assistance and support programs, and direct certain agencies to study the feasibility of local school administrative units participating in NC HealthConnex.*

[As introduced, this bill was identical to S64, as introduced by Sens. Foushee, Waddell, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** G.S. 90-414.4(b)(3) requires any provider that receives State funds for the provision of health services to submit information to the Health Information Exchange network (HIE) at least twice daily as a condition of receiving State funds. G.S. 90-414.4(a1)(2) requires that providers not specifically mentioned in another subdivision begin submitting demographic and clinical data by June 1, 2019.

**BILL ANALYSIS:** **Section 1** would require the Exceptional Children Division at the Department of Public Instruction to adopt policies and procedures for a system of evaluation of the Division's technical assistance and support programs provided to the directors of exceptional children programs at local school administrative units (LEAs). The system of evaluation would include formal methods for soliciting feedback and collecting customer satisfaction data on at least each of the following assistance efforts:

- The New Directors' Leadership Institute
- Annual conferences related to exceptional children programs
- Assistance provided by regional consultants
- Regional meetings for exceptional children program directors at LEAs
- Webinars for exceptional children program directors at LEAs

The Exceptional Children Division would report on the creation of this system of evaluation in policy and procedure by December 15, 2019.

**Section 2** would require the Government Data Analytics Center (GDAC) at the Department of Information Technology, along with the Department of Health and Human Services and the Department of Public Instruction, to study the feasibility of LEAs participating in the HIE, NC HealthConnex. The study would include at least the following:

- Identification of technology gaps that are obstacles to participation of LEAs in NC HealthConnex
- Cost estimates for LEAs to connect and submit data to NC HealthConnex and any availability of federal or State funds to meet connection or submission requirements

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 90

Page 2

- Whether it is necessary to extend the mandatory deadline for participation of LEAs in NC HealthConnex

GDAC would be required to report on the results of this study by April 15, 2019.

**EFFECTIVE DATE:** HB 90 would become effective when it becomes law.

**BACKGROUND:** HB 90, as originally introduced, was a recommendation of the Joint Legislative Program Evaluation Oversight Committee.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 90\*

Short Title: DPI/EC Div. Feedback/DIT Study/PED report. (Public)

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

Referred to: Education - K-12, if favorable, Health, if favorable, Rules, Calendar, and  
Operations of the House

February 19, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION, EXCEPTIONAL  
3 CHILDREN DIVISION, TO DEVELOP AS PART OF ITS POLICIES AND  
4 PROCEDURES A SYSTEM OF EVALUATION OF THE DIVISION'S TECHNICAL  
5 ASSISTANCE AND SUPPORT PROGRAMS PROVIDED TO LOCAL EDUCATION  
6 AGENCIES AND TO DIRECT CERTAIN AGENCIES TO STUDY THE FEASIBILITY  
7 OF LOCAL EDUCATION AGENCIES PARTICIPATING IN NC HEALTHCONNEX, AS  
8 RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION  
9 OVERSIGHT COMMITTEE.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.(a)** The Department of Public Instruction, Exceptional Children  
12 Division, shall incorporate into its policies and procedures a system of evaluation of the  
13 Division's technical assistance and support programs provided to the directors of exceptional  
14 children programs for local education agencies and other school personnel. As part of its  
15 evaluation system, the Division shall include formal methods for soliciting feedback and  
16 collecting customer satisfaction data, such as customer satisfaction surveys, on at least the  
17 following technical assistance efforts:

- 18 (1) The New Directors' Leadership Institute.  
19 (2) Annual conferences for school personnel related to exceptional children  
20 programs.  
21 (3) Assistance provided to school personnel by the Department of Public  
22 Instruction's regional consultants.  
23 (4) Regional meetings hosted by regional consultants for exceptional children  
24 program directors for local education agencies.  
25 (5) Webinars provided to exceptional children program directors for local  
26 education agencies.

27 **SECTION 1.(b)** By December 15, 2019, the Department of Public Instruction,  
28 Exceptional Children Division, shall report to the Joint Legislative Education Oversight  
29 Committee on the incorporation of a system of evaluation into its policies and procedures as  
30 required under subsection (a) of this section.

31 **SECTION 2.(a)** The Government Data Analytics Center within the Department of  
32 Information Technology, in conjunction with the Department of Health and Human Services and  
33 the Department of Public Instruction, shall study the feasibility of local education agencies  
34 participating in the North Carolina Health Information Exchange Network (HIE Network),



\* H 9 0 - V - 1 \*

known as NC HealthConnex, as Medicaid providers of health care services to students. The study shall include at least the following:

- (1) Identification of technology gaps that are obstacles to participation of local education agencies in NC HealthConnex.
- (2) Cost estimates for local education agencies to connect and submit data to NC HealthConnex and any availability of federal or State funds to meet connection or submission requirements.
- (3) Whether it is necessary to extend the mandatory deadline for participation of local education agencies in NC HealthConnex consistent with the provisions of G.S. 90-414.4.

**SECTION 2.(b)** By April 15, 2019, the Government Data Analytics Center within the Department of Information Technology shall report on the results of the study required by subsection (a) of this section to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Program Evaluation Oversight Committee, the Joint Legislative Oversight Committee on Information Technology, and the Fiscal Research Division of the General Assembly.

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



# HOUSE BILL 241: Education Bond Act of 2019.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12	<b>Date:</b>	March 5, 2019
<b>Introduced by:</b>	Reps. Moore, Johnson, Elmore, Horn	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel

**OVERVIEW:** *HB 241 would place a referendum on the November 2020 ballot for a \$1.9 billion bond for public school capital outlay projects, community college capital outlay projects, and UNC constituent institution capital outlay projects statewide.*

*The PCS for HB 241 would clarify terminology, correct sums, correct internal cross-references, clarify how county wealth factors are identified for community college prioritization rankings, change the date of the bond election from November 2020 to March 2020, and clarify reporting requirements for the UNC system on bond projects.*

**BILL ANALYSIS:** The PCS for HB 241 would establish a bond referendum for consideration by the voters of the State on the March 2020 ballot for the presidential preference primary on whether to issue \$1.9 billion in general obligation bonds for the purpose of providing funds for grants to counties for public school capital outlay projects, community college enterprise resource planning information technology and community college capital outlay projects, and constituent institution capital outlay projects.

## Local School Administrative Units - \$1.5 billion

\$1.5 billion in funds would be distributed among local school administrative units (LEAs) based on the following 4 categories: Average daily membership (ADM), Low-wealth county, ADM growth, and Adjustment factor.

Requirements for grants to counties for LEAs would include the following:

- Grants allocated for low-wealth and adjustment factor designations would not require a county match.
- All other grants would be required to match every bond proceeds dollar as follows:
  - LEAs in Tier 1 counties would be required to match \$1.00 in local funds for every \$3.00 of bond proceeds.
  - LEAs in Tier 2 counties would be required to match \$1.00 in local funds for every \$2.00 of bond proceeds.
  - LEAs in Tier 3 counties would be required to match \$1.00 in local funds for every \$1.00 of bond proceeds.
  - Matches could be satisfied by non-State expenditures for public school facilities made on or after January 1, 2015.
  - If a county did not meet its matching requirement by January 1, 2026, the funds would be reallocated to other qualifying counties who met the match requirements.

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 241

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- In determining between projects for which bond proceeds are allocated, the State Board would give consideration to projects that primarily involve materially improving the energy efficiency of the school facility.

## **UNC Constituent Institutions - \$200,000,000**

Requirements for grants to constituent institutions would include:

- Funds would be required to be matched for new construction projects.
- Funds would not be required to be matched for rehabilitation of existing facilities and repairs and renovations.
- The Board of Governors would consider various factors in determining allocation of the bond proceeds, including size, population historically served, development tier area designations, operation of a K-12 school, and length of outstanding repairs and renovations requests.

## **Community Colleges - \$200,000,000**

- Funds could be used for upgrades to the systemwide enterprises resource planning information technology (ERP Project) with no match requirement.
- All grants to community colleges for new construction would be required to match every bond proceeds dollar as follows:
  - Community colleges with a main campus in Tier 1 counties would be required to match \$1.00 in local funds for every \$3.00 of bond proceeds.
  - Community colleges with a main campus in Tier 2 counties would be required to match \$1.00 in local funds for every \$2.00 of bond proceeds.
  - Community colleges with a main campus in Tier 3 counties would be required to match \$1.00 in local funds for every \$1.00 of bond proceeds.
- Funds would not be required to be matched for rehabilitation of existing facilities and repairs and renovations.
- The Community Colleges System Office would give first priority to the ERP project, and prioritize allocation of the rest of the funds based on rankings of three components:
  1. Development factor ranking (single weighted)
  2. Repair and renovation needs (double weighted)
  3. Additional square footage needs (single weighted)

The bill would also provide:

- The process for issuance of the bonds and notes.
- The role of the State Treasurer in holding and investing the bond money until disbursed.
- The role of the State Board of Education, Board of Governors, and Community College System Office in supervising administration or issuance of the proceeds of the bond.
- The role of the Office of State Budget and Management in maintaining a portion of funds needed for cost escalation to be released under certain circumstances.
- Reporting requirements on a quarterly basis on projects funded from the bonds to the Joint Legislative Capital Oversight Committee, the House of Representatives Appropriations

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Committee, and the Senate Committee on Appropriations/Base Budget. The State Board of Education would consolidate reports from LEAs, the North Carolina Community College System Office would consolidate reports from community colleges, and constituent institutions would report directly to the committees.

- Requirements that the transfer of voters to an adjacent precinct for the March 2020 election be limited only to that election (rather than for the term of office of the county board of elections making the transfer).
- Requirement that any bond funds expended for school technology be credited against the judgment in *N.C Sch. Bds. Ass'n. v. Moore*.

**EFFECTIVE DATE:** HB 241 would become effective when it becomes law.





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 241**

Short Title: Education Bond Act of 2019. (Public)

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

Referred to: Education - K-12, if favorable, Finance, if favorable, Appropriations, Capital, if favorable, Rules, Calendar, and Operations of the House

March 4, 2019

A BILL TO BE ENTITLED  
AN ACT TO ENACT THE EDUCATION BOND ACT OF 2019.  
The General Assembly of North Carolina enacts:  
**SECTION 1.(a)** Short Title. – This section shall be known as the "Education Bond Act of 2019."

**SECTION 1.(b)** Purpose. – It is the intent of the General Assembly by this act to provide, subject to a vote of the qualified voters of the State, for the issuance of one billion nine hundred million dollars (\$1,900,000,000) general obligation bonds of the State for the purpose of providing funds, with any other available funds, (i) for public school facilities through grants to counties for public school capital outlay projects and repairs and renovations, in the amount of one billion five hundred million dollars (\$1,500,000,000), (ii) for community college facilities for community college capital outlay projects and repairs and renovations, in the amount of two hundred million dollars (\$200,000,000), and (iii) for The University of North Carolina facilities for capital outlay projects for constituent institutions and repairs and renovations at such institutions, in the amount of two hundred million dollars (\$200,000,000).

**SECTION 1.(c)** Definitions. – Unless the context otherwise requires, the following definitions apply in this section:

(1) Bonds. – Bonds issued under this section.

(1a) Capital outlay project for a constituent institution. – A project for the construction of one or more new buildings or the renovation of one or more existing buildings located at a constituent institution of The University of North Carolina, for the building of technology infrastructure, for the purchase of equipment for a building located at a constituent institution of The University of North Carolina where the building has never been used for education purposes or equipment related to the improvement of an existing constituent institution building that will be used at the building or become affixed to the building during its use for education, for the purchase of land necessary for construction to commence within 24 months of one or more constituent institution buildings, and for other related capital outlay projects to provide facilities for individual constituent institutions that are used for instructional or related purposes. The term does not include projects for facilities for centralized administration, trailers, relocatable classrooms, or mobile classrooms.



1 (1b) Community college capital outlay project. – A project for the construction of  
2 one or more new community college buildings located on a community  
3 college campus or the renovation of one or more existing community college  
4 buildings, for the building of the enterprise resource planning information  
5 technology and other technology infrastructure, for the purchase of equipment  
6 for a community college building that has never been used for community  
7 college purposes or equipment related to the improvement of an existing  
8 community college building that will be used at the building or become  
9 affixed to the building during its use for education, for the purchase of land  
10 necessary for construction to commence within 24 months of one or more  
11 community college buildings, and for other related capital outlay projects to  
12 provide facilities for individual community college campuses that are used for  
13 instructional or related purposes. The term does not include projects for  
14 facilities for centralized administration, trailers, relocatable classrooms, or  
15 mobile classrooms.

16 (2) Cost. – Without intending thereby to limit or restrict any proper definition of  
17 this term in financing the cost of public school capital outlay projects  
18 authorized by this section, any of the following:

- 19 a. The cost of constructing, reconstructing, enlarging, acquiring, and  
20 improving projects and acquiring equipment and land therefor.
- 21 b. The cost of engineering, architectural, and other consulting services as  
22 may be required.
- 23 c. Administrative expenses and charges, including expenses related to  
24 determining compliance with applicable requirements of federal law  
25 and expenses relating to issuance. Nothing in this section shall permit  
26 use of bond funds to pay salaries or fees for bond administration; such  
27 salaries and fees shall come from funds appropriated by the General  
28 Assembly.
- 29 d. Finance charges and interest prior to and during construction and, if  
30 deemed advisable by the State Treasurer, for a period not exceeding  
31 three years after the estimated date of completion of construction.
- 32 e. The cost of bond insurance, investment contracts, credit enhancement  
33 and liquidity facilities, interest rate swap agreements or other  
34 derivative products, financial and legal consultants, and related costs  
35 of bond and note issuance, to the extent and as determined by the State  
36 Treasurer.
- 37 f. The cost of reimbursing the State for any payments made for any cost  
38 described in this subdivision.
- 39 g. Any other costs and expenses necessary or incidental to the purposes  
40 of this section.

41 Allocations in this section of proceeds of bonds to the costs of a project or  
42 undertaking in each case may include allocations to pay the costs set forth in  
43 sub-subdivisions c. through g. of this subdivision in connection with the  
44 issuance of bonds for the project or undertaking.

45 (3) Credit facility agreement. – An agreement entered into by the State Treasurer  
46 on behalf of the State with a bank, savings and loan association, or other  
47 banking institution; an insurance company, reinsurance company, surety  
48 company, or other insurance institution; a corporation, investment banking  
49 firm, or other investment institution; or any financial institution or other  
50 similar provider of a credit facility agreement, which provider may be located  
51 within or without the United States of America, such agreement providing for

prompt payment of all or any part of the principal or purchase price (whether at maturity, presentment or tender for purchase, redemption, or acceleration), redemption premium, if any, and interest on any bonds or notes payable on demand or tender by the owner, in consideration of the State agreeing to repay the provider of the credit facility agreement in accordance with the terms and provisions of such agreement.

(4) Notes. – Notes issued under this section.

(5) Par formula. – Any provision or formula adopted by the State to provide for the adjustment, from time to time, of the interest rate or rates borne by any bonds or notes, including the following:

a. A provision providing for such adjustment so that the purchase price of such bonds or notes in the open market would be as close to par as possible;

b. A provision providing for such adjustment based upon a percentage or percentages of a LIBOR rate, a prime rate, or base rate, which percentage or percentages may vary or be applied for different periods of time; or

c. Such other provision as the State Treasurer may determine to be consistent with this section and will not materially and adversely affect the financial position of the State and the marketing of bonds or notes at a reasonable interest cost to the State.

(6) Public school capital outlay project. – A project for the construction of one or more new public school buildings or the renovation of one or more existing public school buildings, for the building of technology infrastructure, for the purchase of measures to ensure building security, for the purchase of equipment for a public school building that has never been used for public education purposes or equipment related to the improvement of an existing public school building that will be used at the building or become affixed to the building during its use for public education, for the purchase of land necessary for construction to commence within 24 months of one or more school buildings, and for other related capital outlay projects to provide facilities for individual schools that are used for instructional or related purposes. The term does not include projects for facilities for centralized administration, trailers, relocatable classrooms, or mobile classrooms.

(7) State. – The State of North Carolina.

**SECTION 1.(d)** Authorization of Bonds and Notes. – Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing bonds for capital outlay projects for public schools and for capital outlay projects and repairs and renovations funds for community colleges and The University of North Carolina in the election called and held as provided in this section, the State Treasurer is hereby authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina Education Bonds," with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this section, in an aggregate principal amount not exceeding one billion nine hundred million dollars (\$1,900,000,000) for the purpose of providing funds, with any other available funds, for the purposes authorized in this section. The principal amounts of bonds or notes issued in any 12-month period shall not exceed five hundred ninety-one million dollars (\$591,000,000). In determining whether this limit has been reached, the issuance of a note or bond to pay an outstanding note is not considered an issuance.

**SECTION 1.(e)** Use of Education Bond and Note Proceeds. –

(1) Subject to the provisions of subdivision (2) of this subsection, one billion five hundred million dollars (\$1,500,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for the purpose of making grants to counties for paying the cost of public school capital outlay projects and repairs and renovations in the following general amounts set forth in this subdivision. Any additional monies that may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of public school capital outlay projects authorized by this act may be placed by the State Treasurer in the Education Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to limitations imposed by this act.

LEA	ADM	Low-Wealth County	ADM Growth	Adjustment Factor	Total
Alamance-Burlington Schools	\$ 4,011,009	\$11,774,969	\$ 536,440	\$0	\$16,322,419
Alexander County Schools	\$ 844,052	\$ 5,393,020	\$0	\$ 3,762,928	\$10,000,000
Alleghany County Schools	\$ 236,419	\$0	\$0	\$ 9,763,581	\$10,000,000
Anson County Schools	\$ 560,349	\$ 4,829,715	\$0	\$ 4,609,936	\$10,000,000
Ashe County Schools	\$ 523,827	\$0	\$0	\$ 9,476,173	\$10,000,000
Avery County Schools	\$ 338,220	\$0	\$0	\$ 9,661,780	\$10,000,000
Beaufort County Schools	\$ 1,134,106	\$ 2,093,891	\$0	\$ 6,772,003	\$10,000,000
Bertie County Schools	\$ 371,213	\$ 3,171,842	\$0	\$ 6,456,945	\$10,000,000
Bladen County Schools	\$ 727,077	\$ 5,497,313	\$0	\$ 3,775,610	\$10,000,000
Brunswick County Schools	\$ 2,200,286	\$0	\$0	\$ 7,799,714	\$10,000,000
Buncombe County Schools	\$ 4,168,034	\$0	\$0	\$ 4,286,925	\$ 8,454,959
Asheville City Schools	\$ 761,658	\$0	\$0	\$ 783,384	\$ 1,545,041
Burke County Schools	\$ 2,093,191	\$12,570,359	\$0	\$0	\$14,663,550
Cabarrus County Schools	\$ 5,823,673	\$0	\$27,614,468	\$0	\$33,438,141
Kannapolis City Schools	\$ 959,438	\$ 846,734	\$ 1,438,635	\$0	\$ 3,244,807
Caldwell County Schools	\$ 2,002,329	\$11,544,037	\$0	\$0	\$13,546,365
Camden County Schools	\$ 327,811	\$ 890,833	\$0	\$ 8,781,356	\$10,000,000
Carteret County Public Schools	\$ 1,429,101	\$0	\$0	\$ 8,570,899	\$10,000,000
Caswell County					

1	Schools	\$ 434,200	\$ 3,140,147	\$0	\$ 6,425,653	\$10,000,000
2	Catawba County					
3	Schools	\$ 2,797,332	\$0	\$0	\$ 4,133,815	\$ 6,931,148
4	Hickory City					
5	Schools	\$ 719,314	\$0	\$0	\$ 1,062,981	\$ 1,782,295
6	Newton Conover City					
7	Schools	\$ 519,240	\$0	\$0	\$ 767,317	\$ 1,286,557
8	Chatham County					
9	Schools	\$ 1,558,425	\$0	\$ 6,376,321	\$ 2,065,254	\$10,000,000
10	Cherokee County					
11	Schools	\$ 553,291	\$ 1,413,119	\$0	\$ 8,033,590	\$10,000,000
12	Edenton-Chowan					
13	Schools	\$ 345,278	\$ 1,040,793	\$0	\$ 8,613,930	\$10,000,000
14	Clay County					
15	Schools	\$ 223,892	\$0	\$0	\$ 9,776,108	\$10,000,000
16	Cleveland County					
17	Schools	\$ 2,527,391	\$13,516,386	\$0	\$0	\$16,043,777
18	Columbus County					
19	Schools	\$ 974,611	\$ 9,818,151	\$0	\$0	\$10,792,763
20	Whiteville City					
21	Schools	\$ 392,385	\$ 3,982,294	\$0	\$0	\$ 4,374,679
22	Craven County					
23	Schools	\$ 2,388,186	\$ 3,835,943	\$0	\$ 3,775,871	\$10,000,000
24	Cumberland County					
25	Schools	\$ 8,834,489	\$28,236,792	\$0	\$0	\$37,071,280
26	Currituck County					
27	Schools	\$ 715,256	\$0	\$ 2,584,665	\$ 6,700,079	\$10,000,000
28	Dare County					
29	Schools	\$ 907,038	\$0	\$ 2,548,090	\$ 6,544,872	\$10,000,000
30	Davidson County					
31	Schools	\$ 3,315,161	\$10,754,088	\$0	\$0	\$ 14,069,249
32	Lexington City					
33	Schools	\$ 526,297	\$ 1,724,754	\$0	\$0	\$ 2,251,051
34	Thomasville City					
35	Schools	\$ 401,030	\$ 1,278,236	\$0	\$0	\$ 1,679,266
36	Davie County					
37	Schools	\$ 1,078,001	\$ 126,655	\$0	\$ 8,795,345	\$10,000,000
38	Duplin County					
39	Schools	\$ 1,675,224	\$14,363,983	\$0	\$0	\$16,039,207
40	Durham Public					
41	Schools	\$ 5,708,640	\$0	\$0	\$ 4,291,360	\$10,000,000
42	Edgecombe County Public					
43	Schools	\$ 1,028,070	\$ 9,078,982	\$0	\$0	\$10,107,052
44	Winston-Salem/Forsyth County					
45	Schools	\$ 9,492,934	\$0	\$ 195,069	\$ 311,997	\$10,000,000
46	Franklin County					
47	Schools	\$ 1,432,453	\$ 9,214,386	\$0	\$0	\$10,646,839
48	Gaston County					
49	Schools	\$ 5,478,572	\$10,370,854	\$0	\$0	\$15,849,426
50	Gates County					
51	Schools	\$ 292,348	\$ 2,304,596	\$0	\$ 7,403,056	\$10,000,000

1	Graham County					
2	Schools	\$ 196,545	\$ 181,439	\$0	\$ 9,622,016	\$10,000,000
3	Granville County					
4	Schools	\$ 1,298,717	\$10,527,816	\$0	\$0	\$11,826,533
5	Greene County					
6	Schools	\$ 515,006	\$ 5,786,310	\$0	\$ 3,698,684	\$10,000,000
7	Guilford County					
8	Schools	\$12,599,551	\$0	\$0	\$0	\$12,599,551
9	Halifax County					
10	Schools	\$ 414,086	\$ 2,879,981	\$0	\$ 664,636	\$ 3,958,703
11	Roanoke Rapids City					
12	Schools	\$ 494,716	\$ 3,344,835	\$0	\$ 774,696	\$ 4,614,247
13	Weldon City					
14	Schools	\$ 140,087	\$ 1,047,372	\$0	\$ 239,591	\$ 1,427,049
15	Harnett County					
16	Schools	\$ 3,576,986	\$31,495,234	\$0	\$0	\$35,072,220
17	Haywood County					
18	Schools	\$ 1,255,668	\$0	\$0	\$ 8,744,332	\$10,000,000
19	Henderson County					
20	Schools	\$ 2,349,018	\$0	\$0	\$ 7,650,982	\$10,000,000
21	Hertford County					
22	Schools	\$ 480,778	\$ 3,813,581	\$0	\$ 5,705,641	\$10,000,000
23	Hoke County					
24	Schools	\$ 1,545,193	\$16,729,054	\$ 6,230,019	\$0	\$24,504,266
25	Hyde County					
26	Schools	\$ 102,331	\$0	\$ 170,685	\$ 9,726,984	\$10,000,000
27	Iredell-Statesville					
28	Schools	\$ 3,570,282	\$0	\$0	\$ 4,148,669	\$7,718,950
29	Mooreville Graded School					
30	District	\$ 1,055,064	\$0	\$0	\$ 1,225,985	\$2,281,050
31	Jackson County					
32	Schools	\$ 635,862	\$0	\$0	\$ 9,364,138	\$10,000,000
33	Johnston County					
34	Schools	\$ 6,415,074	\$39,223,050	\$31,381,739	\$0	\$77,019,864
35	Jones County					
36	Schools	\$ 180,843	\$ 564,377	\$0	\$ 9,254,780	\$10,000,000
37	Lee County					
38	Schools	\$ 1,738,739	\$ 6,962,542	\$0	\$ 1,298,719	\$10,000,000
39	Lenoir County Public					
40	Schools	\$ 1,496,321	\$ 8,803,599	\$0	\$0	\$10,299,921
41	Lincoln County					
42	Schools	\$ 2,012,385	\$ 484,727	\$0	\$7,502,888	\$10,000,000
43	Macon County					
44	Schools	\$ 778,948	\$0	\$ 158,494	\$9,062,558	\$10,000,000
45	Madison County					
46	Schools	\$ 400,325	\$ 344,508	\$0	\$ 9,255,167	\$10,000,000
47	Martin County					
48	Schools	\$ 513,771	\$ 3,603,154	\$0	\$ 5,883,076	\$10,000,000
49	McDowell County					
50	Schools	\$ 1,043,596	\$ 5,917,374	\$0	\$ 3,039,030	\$10,000,000
51	Charlotte-Mecklenburg					

1	Schools	\$26,007,162	\$0	\$35,795,177	\$0	\$61,802,340
2	Mitchell County					
3	Schools	\$ 322,518	\$ 303,978	\$0	\$ 9,373,504	\$10,000,000
4	Montgomery County					
5	Schools	\$ 672,030	\$ 2,190,091	\$0	\$ 7,137,879	\$10,000,000
6	Moore County					
7	Schools	\$ 2,251,098	\$0	\$0	\$ 7,748,902	\$10,000,000
8	Nash-Rocky Mount					
9	Schools	\$ 2,611,373	\$14,555,363	\$0	\$0	\$17,166,736
10	New Hanover County					
11	Schools	\$ 4,537,659	\$0	\$0	\$ 5,462,341	\$10,000,000
12	Northampton County					
13	Schools	\$ 267,824	\$ 2,099,454	\$0	\$ 7,632,722	\$10,000,000
14	Onslow County					
15	Schools	\$ 4,699,977	\$ 6,089,634	\$14,764,292	\$0	\$25,553,902
16	Orange County					
17	Schools	\$ 1,287,955	\$0	\$0	\$ 1,867,955	\$ 3,155,910
18	Chapel Hill-Carrboro City					
19	Schools	\$ 2,171,351	\$0	\$ 621,783	\$ 4,050,956	\$ 6,844,090
20	Pamlico County					
21	Schools	\$ 232,008	\$0	\$ 402,330	\$ 9,365,662	\$10,000,000
22	Elizabeth City-Pasquotank Public					
23	Schools	\$ 952,381	\$ 4,850,575	\$0	\$ 4,197,044	\$10,000,000
24	Pender County					
25	Schools	\$ 1,615,060	\$ 6,949,447	\$ 5,644,812	\$0	\$14,209,319
26	Perquimans County					
27	Schools	\$ 285,468	\$ 250,868	\$0	\$ 9,463,664	\$10,000,000
28	Person County					
29	Schools	\$ 768,186	\$ 1,435,534	\$0	\$ 7,796,280	\$10,000,000
30	Pitt County					
31	Schools	\$ 4,121,103	\$17,668,069	\$0	\$0	\$21,789,172
32	Polk County					
33	Schools	\$ 372,625	\$0	\$0	\$ 9,627,375	\$10,000,000
34	Randolph County					
35	Schools	\$ 2,806,507	\$17,202,566	\$0	\$0	\$20,009,073
36	Asheboro City					
37	Schools	\$ 790,240	\$ 4,804,089	\$0	\$0	\$ 5,594,329
38	Richmond County					
39	Schools	\$ 1,248,963	\$11,174,939	\$0	\$0	\$12,423,902
40	Public Schools of Robeson					
41	County	\$ 3,823,815	\$47,851,010	\$0	\$0	\$51,674,825
42	Rockingham County					
43	Schools	\$ 2,042,732	\$12,301,109	\$0	\$0	\$14,343,841
44	Rowan-Salisbury					
45	Schools	\$ 3,302,634	\$12,658,049	\$0	\$0	\$15,960,683
46	Rutherford County					
47	Schools	\$ 1,380,758	\$ 9,196,221	\$0	\$0	\$10,576,979
48	Sampson County					
49	Schools	\$ 1,413,045	\$11,872,434	\$0	\$0	\$13,285,480
50	Clinton City					
51	Schools	\$ 520,828	\$ 4,329,120	\$0	\$0	\$ 4,849,948

1	Scotland County					
2	Schools	\$ 981,316	\$ 9,986,327	\$0	\$0	\$10,967,643
3	Stanly County					
4	Schools	\$ 1,479,913	\$ 7,377,809	\$0	\$ 1,142,278	\$10,000,000
5	Stokes County					
6	Schools	\$ 1,023,483	\$ 5,673,717	\$0	\$ 3,302,800	\$10,000,000
7	Surry County					
8	Schools	\$ 1,345,119	\$ 6,700,636	\$0	\$0	\$ 8,045,755
9	Elkin City					
10	Schools	\$ 207,308	\$ 1,003,140	\$0	\$0	\$ 1,210,447
11	Mount Airy City					
12	Schools	\$ 288,290	\$ 1,401,846	\$0	\$0	\$ 1,690,136
13	Swain County					
14	Schools	\$ 341,573	\$ 435,076	\$0	\$ 9,223,351	\$10,000,000
15	Transylvania County					
16	Schools	\$ 587,519	\$0	\$0	\$ 9,412,481	\$10,000,000
17	Tyrrell County					
18	Schools	\$ 111,682	\$ 747,828	\$ 658,358	\$ 8,482,132	\$10,000,000
19	Union County Public					
20	Schools	\$ 7,269,182	\$0	\$4,925,494	\$0	\$12,194,677
21	Vance County					
22	Schools	\$ 973,023	\$ 9,963,922	\$0	\$0	\$10,936,946
23	Wake County					
24	Schools	\$28,312,249	\$0	\$81,295,042	\$0	\$109,607,291
25	Warren County					
26	Schools	\$ 333,457	\$ 665,924	\$0	\$ 9,000,619	\$10,000,000
27	Washington County					
28	Schools	\$ 227,068	\$ 1,526,792	\$0	\$ 8,246,140	\$10,000,000
29	Watauga County					
30	Schools	\$ 811,765	\$0	\$ 1,658,087	\$ 7,530,148	\$10,000,000
31	Wayne County Public					
32	Schools	\$ 3,215,124	\$20,431,119	\$0	\$0	\$23,646,243
33	Wilkes County					
34	Schools	\$ 1,595,123	\$ 7,544,916	\$0	\$ 859,961	\$10,000,000
35	Wilson County					
36	Schools	\$ 1,965,807	\$ 9,032,301	\$0	\$0	\$10,998,108
37	Yadkin County					
38	Schools	\$ 911,449	\$ 5,605,490	\$0	\$3,483,061	\$10,000,000
39	Yancey County					
40	Schools	\$ 373,507	\$ 1,676	\$0	\$9,624,817	\$10,000,000
41	<b>Total</b>	<b>\$250,500,000</b>	<b>\$600,402,894</b>	<b>\$225,000,000</b>	<b>\$424,097,106</b>	
42						<b>\$1,500,000,000</b>

(1a) Subject to the provisions of subdivision (2) of this subsection, two hundred million dollars (\$200,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for paying the costs of capital outlay projects for constituent institutions and repairs and renovations in the following general amounts set forth below:

**The University of North Carolina**



Various Statewide                      New Construction, Repairs, Renovations      \$200,000,000

**Total for The University of North Carolina                      \$200,000,000**

- (1b) Subject to the provisions of subdivision (2) of this subsection, two hundred million dollars (\$200,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for paying the costs of community college capital outlay projects and repairs and renovations in the following general amounts set forth below:

**NC Community Colleges**

Various Statewide                      Technology Upgrades, New Construction,      \$200,000,000  
Repairs, Renovations

**Total for NC Community Colleges                      \$200,000,000**

- (2) Special allocation provisions. – In determining the use of the proceeds of education bonds and notes, including premium thereon, if any, set forth in this act, the following special allocation provisions apply:

a. With respect to proceeds allocated in subdivision (1) of this subsection:

1. The proceeds shall be used for new construction or rehabilitation of existing facilities and repairs and renovations. Any items purchased with such proceeds and installed or replaced as part of a renovation or rehabilitation must have a useful life of at least 10 years or must extend the life of the facility by at least 10 years once renovated or rehabilitated.
2. In the case of a local school administrative unit located entirely in one county, the unit's total distribution amount shall be allocated to that county. In the case of a local school administrative unit located in more than one county, the unit's distribution amount shall be allocated among the counties in which the unit is located in proportion to average daily membership of the unit in each county. A unit's distribution amount allocated to a county may be used only with respect to public school facilities of that unit. If two or more local school administrative units are consolidated into one unit, the distribution amounts provided in subdivision (1) of this subsection for the units shall be considered the distribution amount for the merged unit.
3. Bond proceeds for a county for any designation require no local match if any portion of the proceeds results from low-wealth county or adjustment factor designation allocations. Any other county receiving bond proceeds allocated shall provide local matching funds from county funds, other non-State funds, or a combination of these sources for such proceeds. The amount of matching funds shall be (i) one dollar (\$1.00) of local matching funds for every three dollars (\$3.00) of such proceeds for a local school administrative unit located in a county that is a development

1 tier one area, as defined in G.S. 143B-437.08, (ii) one dollar  
2 (\$1.00) of local matching funds for every two dollars (\$2.00)  
3 of such proceeds for a local school administrative unit located  
4 in a county that is a development tier two area, as defined in  
5 G.S. 143B-437.08, and (iii) one dollar (\$1.00) of local  
6 matching funds for every one dollar (\$1.00) of such proceeds  
7 for a local school administrative unit located in a county that is  
8 a development tier three area, as defined in G.S. 143B-437.08.  
9 The match requirement may be satisfied by non-State  
10 expenditures for public school facilities made on or after  
11 January 1, 2015. If a debt has been incurred since January 1,  
12 2015, for the general purpose of public school facilities, then  
13 the face amount of the debt shall be considered as a non-State  
14 expenditure for public school facilities for the purpose of the  
15 match. No other expenditures made or debts incurred before  
16 January 1, 2015, may be used to satisfy the match requirement.  
17 As counties satisfy the match requirements of this subsection,  
18 they shall document the extent to which they have done so in  
19 periodic reports to the State Board of Education. These reports  
20 shall include any information and documentation required by  
21 the State Board of Education. The State Board of Education  
22 shall certify to the State Treasurer from time to time the extent  
23 to which the match requirements of this subsection have been  
24 met with respect to each county. Bond proceeds shall be  
25 distributed for expenditure only as, and to the extent, the  
26 matching requirement of this section are satisfied, as certified  
27 by the State Board of Education. The State Board of Education  
28 shall also require counties to report annually on the impact of  
29 funds provided under this act on the property tax rate for that  
30 year. These reports shall be public documents and shall be  
31 furnished to any citizen upon request. If the State Board of  
32 Education determines that a county has not met the matching  
33 requirement set forth in this sub-subdivision by January 1,  
34 2026, the State Board of Education shall certify that fact to the  
35 State Treasurer by March 1, 2026. Amounts that are allocated  
36 in the ADM Growth Allocation of bond proceeds under  
37 subdivision (1) of this subsection and that have not been  
38 certified as matched by the State Board of Education by  
39 January 1, 2026, shall be reallocated among the counties that  
40 have been certified as having met the matching requirement for  
41 that allocation. The reallocation shall be made among the  
42 eligible counties in proportion to the amount of ADM Growth  
43 Allocations for those counties under subdivision (1) of this  
44 subsection. Amounts that are allocated in the ADM Allocation  
45 of bond proceeds under subdivision (1) of this subdivision and  
46 that have not been certified as matched by the State Board of  
47 Education by January 1, 2026, shall be reallocated among the  
48 counties that have been certified as having met the matching  
49 requirement for that allocation. The reallocation shall be made  
50 on the basis of average daily membership of the local school  
51 administrative units within the remaining counties. Bond

- proceeds reallocated to a county because of a local school administrative unit's average daily membership within the county may be used only with respect to public school capital outlay projects of that unit. Bond proceeds reallocated to a county under this sub-subdivision must be matched at the same rate as bond proceeds allocated to the county under sub-subdivision b. of this subdivision.
4. In determining between projects for which bond proceeds are allocated, the State Board of Education shall give consideration to those projects that primarily involve materially improving the energy efficiency of the school facility.
- b. With respect to proceeds allocated in subdivision (1a) of this subsection:
1. The proceeds shall be used for new construction or rehabilitation of existing facilities and repairs and renovations. Any items purchased with such proceeds and installed or replaced as part of a renovation or rehabilitation must have a useful life of at least 10 years or must extend the life of the facility by at least 10 years once renovated or rehabilitated. In order to receive the proceeds under this sub-subdivision for projects for new construction, the constituent institution receiving the proceeds shall provide matching funds from other non-State funds. Constituent institutions are not required to match bond proceeds allocated in this section for rehabilitation of existing facilities and repairs and renovations.
2. In determining the allocation of proceeds, the Board of Governors shall consider the following factors: (i) size of the entity, with a focus on smaller campuses; (ii) population historically served, with a focus on historically minority-serving institutions; (iii) development tier area designations, with a focus on lower development tier areas; (iv) constituent institutions operating a school serving any grade, kindergarten through 12, with a focus on such institutions; and (v) length of outstanding repairs and renovations requests, with a focus on longer outstanding requests.
- c. With respect to proceeds allocated in subdivision (1b) of this subsection:
1. The proceeds shall be used for upgrades to the enterprise resource planning information technology ("the ERP system"), new construction or rehabilitation of existing facilities, and repairs and renovations.
2. Any items purchased with such proceeds for new construction or rehabilitation of existing facilities and repairs and renovations and installed or replaced as part of a renovation or rehabilitation must have a useful life of at least 10 years or must extend the life of the facility by at least 10 years once renovated or rehabilitated. In order to receive the proceeds under this sub-subdivision for projects for new construction, the community college receiving the proceeds shall provide local matching funds from county funds, other non-State funds,

1 or a combination of these sources for such proceeds. The  
2 amount of matching funds shall be (i) one dollar (\$1.00) of  
3 local matching funds for every three dollars (\$3.00) of such  
4 proceeds for a community college with a main campus located  
5 in a development tier one area, as defined in  
6 G.S. 143B-437.08, (ii) one dollar (\$1.00) of local matching  
7 funds for every two dollars (\$2.00) of such proceeds for a  
8 community college with a main campus located in a  
9 development tier two area, as defined in G.S. 143B-437.08,  
10 and (iii) one dollar (\$1.00) of local matching funds for every  
11 one dollar (\$1.00) of such proceeds for a community college  
12 with a main campus located in a development tier three area,  
13 as defined in G.S. 143B-437.08. Community colleges are not  
14 required to match bond proceeds allocated in this section for  
15 rehabilitation of existing facilities and repairs and renovations.  
16 The provisions of G.S. 115D-31, or any other provision of law  
17 permitting prior expenditures to be used for match purposes,  
18 do not apply for purposes of meeting the matching funds  
19 requirements of this act.

- 20 3. In determining between projects for which bond proceeds are  
21 allocated, the Community Colleges System Office shall give  
22 first priority to the ERP system project and shall prioritize  
23 allocation of the remainder of funds among projects for new  
24 construction and repairs and renovations by ranking the  
25 projects for the various community colleges according to three  
26 components, as follows: (i) the county wealth rank of the  
27 county in which the main campus is located, which shall be  
28 single weighted, (ii) the community college's repairs and  
29 renovations needs, which shall be double weighted, and (iii)  
30 the community college's additional square footage needs,  
31 which shall be single weighted.

32 **SECTION 1.(f) Allocation and Tracking of Proceeds. –**

- 33 (1) Education bonds. – The proceeds of education bonds and notes, including  
34 premium thereon, if any, except the proceeds of bonds, the issuance of which  
35 has been anticipated by bond anticipation notes or the proceeds of refunding  
36 bonds or notes, shall be placed by the State Treasurer in a special fund to be  
37 designated "Education Bonds Fund," which may include such appropriate  
38 special accounts therein as may be determined by the State Treasurer and shall  
39 be disbursed as provided in this section. Monies in the Education Bonds Fund  
40 shall be allocated and expended as provided in this section.

41 Any additional monies that may be received by means of a grant or grants  
42 from the United States of America or any agency or department thereof or  
43 from any other source for deposit to the Education Bonds Fund may be placed  
44 in the Education Bonds Fund or in a separate account or fund and shall be  
45 disbursed, to the extent permitted by the terms of the grant or grants, without  
46 regard to any limitations imposed by this section.

47 Monies in the Education Bonds Fund or any separate account established  
48 under this section may be invested from time to time by the State Treasurer in  
49 the same manner permitted for investment of monies belonging to the State or  
50 held in the State treasury, except with respect to grant money to the extent  
51 otherwise directed by the terms of the grant. Investment earnings, except

investment earnings with respect to grant monies to the extent otherwise directed or restricted by the terms of the grant, may be (i) credited to the Education Bonds Fund or (ii) used to satisfy compliance with applicable requirements of the federal tax law.

The proceeds of education bonds and notes, including premium thereon, if any, may be used with any other monies made available by the General Assembly for funding the projects authorized by this section, including the proceeds of any other State bond issues, whether heretofore made available or that may be made available at the session of the General Assembly at which this section is ratified or any subsequent sessions. The proceeds of education bonds and notes, including premium thereon, if any, shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this section shall be disbursed for the purposes provided in this section upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the State Budget Act, Chapter 143C of the General Statutes.

(2) Tracking of bond proceeds. – The State Treasurer or the State Treasurer's designee is hereby authorized and directed to set up a comprehensive system of tracking the proceeds of the education bonds and notes, including premium thereon, if any, to the extent necessary to enable the State Treasurer or the State Treasurer's designee to properly account for the use of such proceeds for compliance with applicable requirements of the federal tax law or otherwise. All recipients of such proceeds shall comply with any tracking system implemented by the State Treasurer or the State Treasurer's designee for this purpose. The State Treasurer may withhold proceeds if the recipient fails to comply with this subdivision.

(3) Costs. – Allocations to the costs of a capital improvement or undertaking in each case may include allocations to pay the costs set forth in sub-subdivisions c. through g. of subdivision (2) of subsection (c) of this section in connection with the issuance of bonds for that capital improvement or undertaking.

**SECTION 1.(g)** Election. – The question of the issuance of the bonds authorized by this section shall be submitted to the qualified voters of the State at an election to be held in November of 2020. Any other primary, election, or referendum, validly called or scheduled by law at the time the election on the bond question provided for in this subsection is held, may be held as called or scheduled. Notice of the election shall be given in the manner and at the times required by G.S. 163A-769(8). The election and the registration of voters therefor shall be held under and in accordance with the general laws of the State. Absentee ballots shall be authorized in the election.

The Bipartisan State Board of Elections and Ethics Enforcement (State Board) shall reimburse the counties of the State for all necessary expenses incurred in holding the election that are in addition to those that would have otherwise been incurred, the same to be paid out of the Contingency and Emergency Fund or other funds available to the State Board.

Ballots, voting systems authorized by Subpart 2 of Part 3 of Article 20 of Chapter 163A of the General Statutes, or both may be used in accordance with rules prescribed by the State Board. The bond question to be used in the ballots or voting systems shall be in substantially the following form:

"[ ] FOR [ ] AGAINST

The issuance of one billion nine hundred million dollars (\$1,900,000,000) State of North Carolina Education Bonds constituting general obligation bonds of the State secured by a

pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, (i) for public school facilities through grants to counties for public school capital outlay projects, in the amount of one billion five hundred million dollars (\$1,500,000,000), (ii) for community college facilities for community college capital outlay projects, repairs and renovations, in the amount of two hundred million dollars (\$200,000,000), and (iii) for The University of North Carolina facilities for capital outlay projects for constituent institutions, and repairs and renovations at such institutions, in the amount of two hundred million dollars (\$200,000,000)."

If a majority of those voting on a bond question in the election vote in favor of the issuance of the bonds described in the question, those bonds may be issued as provided in this section. If a majority of those voting on a bond question in the election do not vote in favor of the issuance of the bonds described in the question, those bonds shall not be issued.

The results of the election shall be canvassed and declared as provided by law for elections for State officers; the results of the election shall be certified by the State Board to the Secretary of State in the manner and at the time provided by the general election laws of the State.

#### **SECTION 1.(h) Issuance of Bonds and Notes. –**

(1) Terms and conditions. – Bonds or notes may bear such date or dates, may be serial or term bonds or notes, or any combination thereof, may mature in such amounts and at such time or times, not exceeding 40 years from their date or dates, may be payable at such place or places, either within or without the United States of America, in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts, may bear interest at such rate or rates, which may vary from time to time, and may be made redeemable before maturity, at the option of the State or otherwise as may be provided by the State, at such price or prices, including a price less than the face amount of the bonds or notes, and under such terms and conditions, all as may be determined by the State Treasurer by and with the consent of the Council of State.

(2) Signatures; form and denomination; registration. – Bonds or notes may be issued as certificated or uncertificated obligations. If issued as certificated obligations, bonds or notes shall be signed on behalf of the State by the Governor or shall bear the Governor's facsimile signature, shall be signed by the State Treasurer or shall bear the State Treasurer's facsimile signature, and shall bear the Great Seal of the State of North Carolina or a facsimile thereof shall be impressed or imprinted thereon. If bonds or notes bear the facsimile signatures of the Governor and the State Treasurer, the bonds or notes shall also bear a manual signature, which may be that of a bond registrar, trustee, paying agent, or designated assistant of the State Treasurer. Should any officer whose signature or facsimile signature appears on bonds or notes cease to be such officer before the delivery of the bonds or notes, the signature or facsimile signature shall nevertheless have the same validity for all purposes as if the officer had remained in office until delivery, and bonds or notes may bear the facsimile signatures of persons who at the actual time of the execution of the bonds or notes shall be the proper officers to sign any bond or note, although at the date of the bond or note such persons may not have been such officers. The form and denomination of bonds or notes, including the provisions with respect to registration of the bonds or notes and any system for their registration, shall be as the State Treasurer may determine in conformity with this section; provided, however, that nothing in this section shall prohibit the State Treasurer from proceeding, with respect to the issuance

and form of the bonds or notes, under the provisions of Chapter 159E of the General Statutes, the Registered Public Obligations Act, as well as under this section.

- (3) Manner of sale; expenses. – Subject to the consent of the Council of State, the State Treasurer shall determine the manner in which bonds or notes shall be offered for sale, whether at public or private sale, whether within or without the United States of America, and whether by publishing notices in certain newspapers and financial journals, mailing notices, inviting bids by correspondence, negotiating contracts of purchase, or otherwise, and the State Treasurer is authorized to sell bonds or notes at one time or from time to time at such rate or rates of interest, which may vary from time to time, and at such price or prices, including a price less than the face amount of the bonds or the notes, as the State Treasurer may determine. All expenses incurred in preparation, sale, and issuance of bonds or notes shall be paid by the State Treasurer from the proceeds of bonds or notes or other available monies.

- (4) Notes; repayment. –

a. Subject to the consent of the Council of State, the State Treasurer is hereby authorized to borrow money and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

1. For anticipating the sale of bonds to the issuance of which the Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of the bonds.
2. For the payment of interest on or any installment of principal of any bonds then outstanding, if there shall not be sufficient funds in the State treasury with which to pay the interest or installment of principal as they respectively become due.
3. For the renewal of any loan evidenced by notes herein authorized.
4. For the purposes authorized in this section.
5. For refunding bonds or notes as herein authorized.

b. Funds derived from the sale of bonds or notes may be used in the payment of any bond anticipation notes issued under this section. Funds provided by the General Assembly for the payment of interest on or principal of bonds shall be used in paying the interest on or principal of any notes and any renewals thereof, the proceeds of which shall have been used in paying interest on or principal of the bonds.

- (5) Refunding bonds and notes. – By and with the consent of the Council of State, the State Treasurer is authorized to issue and sell refunding bonds and notes pursuant to the provisions of the State Refunding Bond Act for the purpose of refunding bonds or notes issued pursuant to this section. The refunding bonds and notes may be combined with any other issues of State bonds and notes similarly secured.

- (6) Tax exemption. – Bonds and notes shall be exempt from all State, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, excluding inheritance and gift taxes, income taxes on the gain from the transfer of bonds and notes, and franchise taxes. The interest on bonds and notes shall not be subject to taxation as to income.

- (7) Investment eligibility. – Bonds and notes are hereby made securities in which all public officers, agencies, and public bodies of the State and its political



subdivisions; all insurance companies, trust companies, investment companies, banks, savings banks, savings and loan associations, credit unions, pension or retirement funds, other financial institutions engaged in business in the State; executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Bonds and notes are hereby made securities that may properly and legally be deposited with and received by any officer or agency of the State or political subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of the State or any political subdivision of the State is now or may hereafter be authorized by law.

- (8) Faith and credit. – The faith and credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on bonds and notes. In addition to the State's right to amend any provision of this section to the extent it does not impair any contractual right of a bond owner, the State expressly reserves the right to amend any provision of this section with respect to the making and repayment of loans, the disposition of any repayments of loans, and any intercept provisions relating to the failure of a local government unit to repay a loan, the bonds not being secured in any respect by loans, any repayments thereof, or any intercept provisions with respect thereto.

**SECTION 1.(i) Variable Interest Rates.** – In fixing the details of bonds and notes, the State Treasurer may provide that any of the bonds or notes may:

- (1) Be made payable from time to time on demand or tender for purchase by the owner thereof, provided a credit facility agreement supports the bonds or notes, unless the State Treasurer specifically determines that a credit facility agreement is not required, upon a finding and determination by the State Treasurer that the absence of a credit facility agreement will not materially or adversely affect the financial position of the State and the marketing of the bonds or notes at a reasonable interest cost to the State;
- (2) Be additionally supported by a credit facility agreement;
- (3) Be made subject to redemption or a mandatory tender for purchase prior to maturity;
- (4) Bear interest at a rate or rates that may vary for such period or periods of time, all as may be provided in the proceedings providing for the issuance of the bonds or notes, including, without limitation, such variations as may be permitted pursuant to a par formula; and
- (5) Be made the subject of a remarketing agreement whereby an attempt is made to remarket bonds or notes to new purchasers prior to their presentment for payment to the provider of the credit facility agreement or to the State.

If the aggregate principal amount repayable by the State under a credit facility agreement is in excess of the aggregate principal amount of bonds or notes secured by the credit facility agreement, whether as a result of the inclusion in the credit facility agreement of a provision for the payment of interest for a limited period of time or the payment of a redemption premium or for any other reason, then the amount of authorized but unissued bonds or notes during the term of such credit facility agreement shall not be less than the amount of such excess, unless the payment of such excess is otherwise provided for by agreement of the State executed by the State Treasurer.

**SECTION 1.(j) Interpretation of Section.** –

- (1) Additional method. – The foregoing subsections of this section shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and



1 additional to powers conferred by other laws and shall not be regarded as in  
2 derogation of any powers now existing.

3 (2) Statutory references. – References in this section to specific sections or  
4 Chapters of the General Statutes or to specific acts are intended to be  
5 references to these sections, Chapters, or acts as they may be amended from  
6 time to time by the General Assembly.

7 (3) Broad construction. – The General Assembly specifically has chosen to  
8 combine what otherwise might be considered differing projects to be financed  
9 into one bond bill and bond question because the General Assembly finds that  
10 such differing projects, when taken together, constitute an interrelated, united,  
11 and single plan for the State's infrastructure as stated aforesaid. Accordingly,  
12 this section, being necessary for the health, welfare, and advancement of the  
13 people of the State, shall be broadly construed to affect the purposes thereof.

14 (4) Inconsistent provisions. – Insofar as the provisions of this section are  
15 inconsistent with the provisions of any general laws, or parts thereof, the  
16 provisions of this section shall be controlling.

17 (5) Severability. – If any provision of this section or the application thereof to any  
18 person or circumstance is held invalid, such invalidity shall not affect other  
19 provisions or applications of the section that can be given effect without the  
20 invalid provision or application, and to this end, the provisions of this section  
21 are declared to be severable.

22 **SECTION 1.(k) Other Agreements.** – The State Treasurer may authorize, execute,  
23 obtain, or otherwise provide for bond issuance, investment contracts, credit and liquidity  
24 facilities, interest rate swap agreements and other derivative products, and any other related  
25 instruments and matters the State Treasurer determines to be desirable in connection with the  
26 issuance of bonds and notes.

27 **SECTION 2.** Each entity, upon receiving the proceeds of education bonds and notes,  
28 including premium thereon, if any, issued pursuant to and for projects listed in Section 1 of this  
29 act, shall administer, supervise, and ensure that use of the proceeds comport with the purposes  
30 provided in this act. Each local school administrative unit, along with the corresponding board  
31 of county commissioners, shall jointly submit to the State Board of Education a plan for the  
32 expenditure of proceeds allocated to it under this act. After the State Board of Education  
33 determines that a local school administrative unit's planned expenditure of part or all of the  
34 proceeds allocated to it is within the purposes provided in this act, the State Board of Education  
35 shall make the proceeds to which the plans apply available to the local school administrative unit.  
36 Each local school administrative unit receiving the proceeds of education bonds and notes,  
37 including premium thereon, if any, issued pursuant to Section 1 of this act shall report by January  
38 1, 2022, and quarterly thereafter, to the State Board of Education on the projects funded from  
39 education general obligation bonds authorized by Section 1 of this act, and the State Board of  
40 Education shall combine the reports and submit them to the Joint Legislative Capital Oversight  
41 Committee, the House of Representatives Appropriations Committee, and the Senate Committee  
42 on Appropriations/Base Budget. Each report shall include the total project costs, the amount to  
43 be funded from the bonds, the expenditures to date from the bonds and other sources, and the  
44 percentage of each project completed.

45 Each constituent institution of The University of North Carolina receiving the  
46 proceeds of education bonds and notes, including premium thereon, if any, issued pursuant to  
47 subdivision (1a) of Section 1(e) of this act shall report by January 1, 2022, and quarterly  
48 thereafter, to the Joint Legislative Oversight Committee on Capital Improvements, the House of  
49 Representatives Appropriations Committee, and the Senate Committee on Appropriations/Base  
50 Budget on the projects funded from education general obligation bonds authorized by Section 1  
51 of this act. Community colleges receiving the proceeds of education bonds and notes, including

1 premium thereon, if any, issued pursuant to subdivision (1b) of Section 1(e) of this act shall  
2 report by January 1, 2022, and quarterly thereafter, to the North Carolina Community Colleges  
3 System Office on the projects funded from education general obligation bonds authorized by  
4 Section 1 of this act, and the System Office shall combine the reports and submit them to the  
5 Joint Legislative Oversight Committee on Capital Improvements, the House of Representatives  
6 Appropriations Committee, and the Senate Committee on Appropriations/Base Budget. Each  
7 report shall include the total project costs, the amount to be funded from the bonds, the  
8 expenditures to date from the bonds and other sources, and the percentage of each project  
9 completed.

10 **SECTION 3.(a)** Projects funded in whole or in part with the proceeds of education  
11 bonds and notes, including premium thereon, if any, issued pursuant to this act, and that portion  
12 of funds estimated to be needed for escalation of costs shall remain with the Office of State  
13 Budget and Management and shall be disbursed only for the following purposes:

14 (1) To address unforeseen contingencies related to the specific project for which  
15 the funds were made available.

16 (2) To address inflation costs related to that specific project.

17 **SECTION 3.(b)** Any funds retained by the Office of State Budget and Management  
18 pursuant to subsection (a) of this section at the time a project is completed shall be retained by  
19 the Office of State Budget and Management. The Office of State Budget and Management shall  
20 report on any funds retained pursuant to this subsection within 90 days of a project's completion.

21 **SECTION 4.** Notwithstanding the period of time provided in G.S. 163A-1045(a) for  
22 which transfers are effective, transfers of voters from a given precinct, for the purpose of voting,  
23 to an adjacent precinct for the election held in November of 2020 shall be for that election only  
24 and shall not apply to any subsequent election.

25 **SECTION 5.** Any funds from the Education Bond expended for school technology  
26 for public schools shall be reported to the State Board of Education and shall be credited against  
27 the judgment in *N.C. Sch. Bds. Ass'n. v. Moore*, No. 98-CVS-14159 (N.C. Super. Ct.).

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**D**

**HOUSE BILL 241  
PROPOSED COMMITTEE SUBSTITUTE H241-CSTCx-2 [v.5]**

03/04/2019 07:49:17 PM

Short Title: Education Bond Act of 2019.

(Public)

Sponsors:

Referred to:

March 4, 2019

A BILL TO BE ENTITLED  
AN ACT TO ENACT THE EDUCATION BOND ACT OF 2019.  
The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Short Title. – This section shall be known as the "Education Bond Act of 2019."

**SECTION 1.(b)** Purpose. – It is the intent of the General Assembly by this act to provide, subject to a vote of the qualified voters of the State, for the issuance of one billion nine hundred million dollars (\$1,900,000,000) general obligation bonds of the State for the purpose of providing funds, with any other available funds, (i) for public school facilities through grants to counties for public school capital outlay projects and repairs and renovations, in the amount of one billion five hundred million dollars (\$1,500,000,000), (ii) for community college facilities for community college capital outlay projects and repairs and renovations, in the amount of two hundred million dollars (\$200,000,000), and (iii) for The University of North Carolina facilities for capital outlay projects for constituent institutions and repairs and renovations at such institutions, in the amount of two hundred million dollars (\$200,000,000).

**SECTION 1.(c)** Definitions. – Unless the context otherwise requires, the following definitions apply in this section:

(1) Bonds. – Bonds issued under this section.

(1a) Capital outlay project for a constituent institution. – A project for the construction of one or more new buildings or the renovation of one or more existing buildings located at a constituent institution of The University of North Carolina, for the building of technology infrastructure, for the purchase of equipment for a building located at a constituent institution of The University of North Carolina where the building has never been used for education purposes or equipment related to the improvement of an existing constituent institution building that will be used at the building or become affixed to the building during its use for education, for the purchase of land necessary for construction to commence within 24 months of one or more constituent institution buildings, and for other related capital outlay projects to provide facilities for individual constituent institutions that are used for instructional or related purposes. The term does not include projects for facilities for centralized administration, trailers, relocatable classrooms, or mobile classrooms.

(1b) Community college capital outlay project. – A project for the construction of one or more new community college buildings located on a community college campus or the renovation of one or more existing community college



buildings, for the building of the enterprise resource planning information technology and other technology infrastructure, for the purchase of equipment for a community college building that has never been used for community college purposes or equipment related to the improvement of an existing community college building that will be used at the building or become affixed to the building during its use for education, for the purchase of land necessary for construction to commence within 24 months of one or more community college buildings, and for other related capital outlay projects to provide facilities for individual community college campuses that are used for instructional or related purposes. The term does not include projects for facilities for centralized administration, trailers, relocatable classrooms, or mobile classrooms.

(2) Cost. – Without intending thereby to limit or restrict any proper definition of this term in financing the cost of public school capital outlay projects authorized by this section, any of the following:

- a. The cost of constructing, reconstructing, enlarging, acquiring, and improving projects and acquiring equipment and land therefor.
- b. The cost of engineering, architectural, and other consulting services as may be required.
- c. Administrative expenses and charges, including expenses related to determining compliance with applicable requirements of federal law and expenses relating to issuance. Nothing in this section shall permit use of bond funds to pay salaries or fees for bond administration; such salaries and fees shall come from funds appropriated by the General Assembly.
- d. Finance charges and interest prior to and during construction and, if deemed advisable by the State Treasurer, for a period not exceeding three years after the estimated date of completion of construction.
- e. The cost of bond insurance, investment contracts, credit enhancement and liquidity facilities, interest rate swap agreements or other derivative products, financial and legal consultants, and related costs of bond and note issuance, to the extent and as determined by the State Treasurer.
- f. The cost of reimbursing the State for any payments made for any cost described in this subdivision.
- g. Any other costs and expenses necessary or incidental to the purposes of this section.

Allocations in this section of proceeds of bonds to the costs of a project or undertaking in each case may include allocations to pay the costs set forth in sub-subdivisions c. through g. of this subdivision in connection with the issuance of bonds for the project or undertaking.

(3) Credit facility agreement. – An agreement entered into by the State Treasurer on behalf of the State with a bank, savings and loan association, or other banking institution; an insurance company, reinsurance company, surety company, or other insurance institution; a corporation, investment banking firm, or other investment institution; or any financial institution or other similar provider of a credit facility agreement, which provider may be located within or without the United States of America, such agreement providing for prompt payment of all or any part of the principal or purchase price (whether at maturity, presentment or tender for purchase, redemption, or acceleration), redemption premium, if any, and interest on any bonds or notes payable on

demand or tender by the owner, in consideration of the State agreeing to repay the provider of the credit facility agreement in accordance with the terms and provisions of such agreement.

(4) Notes. – Notes issued under this section.

(5) Par formula. – Any provision or formula adopted by the State to provide for the adjustment, from time to time, of the interest rate or rates borne by any bonds or notes, including the following:

a. A provision providing for such adjustment so that the purchase price of such bonds or notes in the open market would be as close to par as possible;

b. A provision providing for such adjustment based upon a percentage or percentages of a LIBOR rate, a prime rate, or base rate, which percentage or percentages may vary or be applied for different periods of time; or

c. Such other provision as the State Treasurer may determine to be consistent with this section and will not materially and adversely affect the financial position of the State and the marketing of bonds or notes at a reasonable interest cost to the State.

(6) Public school capital outlay project. – A project for the construction of one or more new public school buildings or the renovation of one or more existing public school buildings, for the building of technology infrastructure, for the purchase of measures to ensure building security, for the purchase of equipment for a public school building that has never been used for public education purposes or equipment related to the improvement of an existing public school building that will be used at the building or become affixed to the building during its use for public education, for the purchase of land necessary for construction to commence within 24 months of one or more school buildings, and for other related capital outlay projects to provide facilities for individual schools that are used for instructional or related purposes. The term does not include projects for facilities for centralized administration, trailers, relocatable classrooms, or mobile classrooms.

(7) State. – The State of North Carolina.

**SECTION 1.(d)** Authorization of Bonds and Notes. – Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing bonds for capital outlay projects for public schools and for capital outlay projects funds for community colleges and The University of North Carolina in the election called and held as provided in this section, the State Treasurer is hereby authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina Education Bonds," with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this section, in an aggregate principal amount not exceeding one billion nine hundred million dollars (\$1,900,000,000) for the purpose of providing funds, with any other available funds, for the purposes authorized in this section. The principal amounts of bonds or notes issued in any 12-month period shall not exceed five hundred ninety-one million dollars (\$591,000,000). In determining whether this limit has been reached, the issuance of a note or bond to pay an outstanding note is not considered an issuance.

**SECTION 1.(e)** Use of Education Bond and Note Proceeds. –

(1) Subject to the provisions of subdivision (2) of this subsection, one billion five hundred million dollars (\$1,500,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for the purpose of making grants to counties for paying the cost of public school capital outlay

projects and repairs and renovations in the following general amounts set forth in this subdivision. Any additional monies that may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of public school capital outlay projects authorized by this act may be placed by the State Treasurer in the Education Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to limitations imposed by this act.

LEA	ADM	Low-Wealth County	ADM Growth	Adjustment Factor	Total
Alamance-Burlington					
Schools	\$ 4,011,009	\$11,774,969	\$ 536,440	\$0	\$16,322,419
Alexander County					
Schools	\$ 844,052	\$ 5,393,020	\$0	\$ 3,762,928	\$10,000,000
Alleghany County					
Schools	\$ 236,419	\$0	\$0	\$ 9,763,581	\$10,000,000
Anson County					
Schools	\$ 560,349	\$ 4,829,715	\$0	\$ 4,609,936	\$10,000,000
Ashe County					
Schools	\$ 523,827	\$0	\$0	\$ 9,476,173	\$10,000,000
Avery County					
Schools	\$ 338,220	\$0	\$0	\$ 9,661,780	\$10,000,000
Beaufort County					
Schools	\$ 1,134,106	\$ 2,093,891	\$0	\$ 6,772,003	\$10,000,000
Bertie County					
Schools	\$ 371,213	\$ 3,171,842	\$0	\$ 6,456,945	\$10,000,000
Bladen County					
Schools	\$ 727,077	\$ 5,497,313	\$0	\$ 3,775,610	\$10,000,000
Brunswick County					
Schools	\$ 2,200,286	\$0	\$0	\$ 7,799,714	\$10,000,000
Buncombe County					
Schools	\$ 4,168,034	\$0	\$0	\$ 4,286,925	\$ 8,454,959
Asheville City					
Schools	\$ 761,658	\$0	\$0	\$ 783,384	\$ 1,545,041
Burke County					
Schools	\$ 2,093,191	\$12,570,359	\$0	\$0	\$14,663,550
Cabarrus County					
Schools	\$ 5,823,673	\$0	\$27,614,468	\$0	\$33,438,141
Kannapolis City					
Schools	\$ 959,438	\$ 846,734	\$ 1,438,635	\$0	\$ 3,244,807
Caldwell County					
Schools	\$ 2,002,329	\$11,544,037	\$0	\$0	\$13,546,365
Camden County					
Schools	\$ 327,811	\$ 890,833	\$0	\$ 8,781,356	\$10,000,000
Carteret County Public					
Schools	\$ 1,429,101	\$0	\$0	\$ 8,570,899	\$10,000,000
Caswell County					
Schools	\$ 434,200	\$ 3,140,147	\$0	\$ 6,425,653	\$10,000,000
Catawba County					
Schools	\$ 2,797,332	\$0	\$0	\$ 4,133,815	\$ 6,931,148
Hickory City					

1	Schools	\$ 719,314	\$0	\$0	\$ 1,062,981	\$ 1,782,295
2	Newton Conover City					
3	Schools	\$ 519,240	\$0	\$0	\$ 767,317	\$ 1,286,557
4	Chatham County					
5	Schools	\$ 1,558,425	\$0	\$ 6,376,321	\$ 2,065,254	\$10,000,000
6	Cherokee County					
7	Schools	\$ 553,291	\$ 1,413,119	\$0	\$ 8,033,590	\$10,000,000
8	Edenton-Chowan					
9	Schools	\$ 345,278	\$ 1,040,793	\$0	\$ 8,613,930	\$10,000,000
10	Clay County					
11	Schools	\$ 223,892	\$0	\$0	\$ 9,776,108	\$10,000,000
12	Cleveland County					
13	Schools	\$ 2,527,391	\$13,516,386	\$0	\$0	\$16,043,777
14	Columbus County					
15	Schools	\$ 974,611	\$ 9,818,151	\$0	\$0	\$10,792,763
16	Whiteville City					
17	Schools	\$ 392,385	\$ 3,982,294	\$0	\$0	\$ 4,374,679
18	Craven County					
19	Schools	\$ 2,388,186	\$ 3,835,943	\$0	\$ 3,775,871	\$10,000,000
20	Cumberland County					
21	Schools	\$ 8,834,489	\$28,236,792	\$0	\$0	\$37,071,280
22	Currituck County					
23	Schools	\$ 715,256	\$0	\$ 2,584,665	\$ 6,700,079	\$10,000,000
24	Dare County					
25	Schools	\$ 907,038	\$0	\$ 2,548,090	\$ 6,544,872	\$10,000,000
26	Davidson County					
27	Schools	\$ 3,315,161	\$10,754,088	\$0	\$0	\$ 14,069,249
28	Lexington City					
29	Schools	\$ 526,297	\$ 1,724,754	\$0	\$0	\$ 2,251,051
30	Thomasville City					
31	Schools	\$ 401,030	\$ 1,278,236	\$0	\$0	\$ 1,679,266
32	Davie County					
33	Schools	\$ 1,078,001	\$ 126,655	\$0	\$ 8,795,345	\$10,000,000
34	Duplin County					
35	Schools	\$ 1,675,224	\$14,363,983	\$0	\$0	\$16,039,207
36	Durham Public					
37	Schools	\$ 5,708,640	\$0	\$0	\$ 4,291,360	\$10,000,000
38	Edgecombe County Public					
39	Schools	\$ 1,028,070	\$ 9,078,982	\$0	\$0	\$10,107,052
40	Winston-Salem/Forsyth County					
41	Schools	\$ 9,492,934	\$0	\$ 195,069	\$ 311,997	\$10,000,000
42	Franklin County					
43	Schools	\$ 1,432,453	\$ 9,214,386	\$0	\$0	\$10,646,839
44	Gaston County					
45	Schools	\$ 5,478,572	\$10,370,854	\$0	\$0	\$15,849,426
46	Gates County					
47	Schools	\$ 292,348	\$ 2,304,596	\$0	\$ 7,403,056	\$10,000,000
48	Graham County					
49	Schools	\$ 196,545	\$ 181,439	\$0	\$ 9,622,016	\$10,000,000
50	Granville County					
51	Schools	\$ 1,298,717	\$10,527,816	\$0	\$0	\$11,826,533

1	Greene County					
2	Schools	\$ 515,006	\$ 5,786,310	\$0	\$ 3,698,684	\$10,000,000
3	Guilford County					
4	Schools	\$12,599,551	\$0	\$0	\$0	\$12,599,551
5	Halifax County					
6	Schools	\$ 414,086	\$ 2,879,981	\$0	\$ 664,636	\$ 3,958,703
7	Roanoke Rapids City					
8	Schools	\$ 494,716	\$ 3,344,835	\$0	\$ 774,696	\$ 4,614,247
9	Weldon City					
10	Schools	\$ 140,087	\$ 1,047,372	\$0	\$ 239,591	\$ 1,427,049
11	Harnett County					
12	Schools	\$ 3,576,986	\$31,495,234	\$0	\$0	\$35,072,220
13	Haywood County					
14	Schools	\$ 1,255,668	\$0	\$0	\$ 8,744,332	\$10,000,000
15	Henderson County					
16	Schools	\$ 2,349,018	\$0	\$0	\$ 7,650,982	\$10,000,000
17	Hertford County					
18	Schools	\$ 480,778	\$ 3,813,581	\$0	\$ 5,705,641	\$10,000,000
19	Hoke County					
20	Schools	\$ 1,545,193	\$16,729,054	\$ 6,230,019	\$0	\$24,504,266
21	Hyde County					
22	Schools	\$ 102,331	\$0	\$ 170,685	\$ 9,726,984	\$10,000,000
23	Iredell-Statesville					
24	Schools	\$ 3,570,282	\$0	\$0	\$ 4,148,669	\$7,718,950
25	Mooresville Graded School					
26	District	\$ 1,055,064	\$0	\$0	\$ 1,225,985	\$2,281,050
27	Jackson County					
28	Schools	\$ 635,862	\$0	\$0	\$ 9,364,138	\$10,000,000
29	Johnston County					
30	Schools	\$ 6,415,074	\$39,223,050	\$31,381,739	\$0	\$77,019,864
31	Jones County					
32	Schools	\$ 180,843	\$ 564,377	\$0	\$ 9,254,780	\$10,000,000
33	Lee County					
34	Schools	\$ 1,738,739	\$ 6,962,542	\$0	\$ 1,298,719	\$10,000,000
35	Lenoir County Public					
36	Schools	\$ 1,496,321	\$ 8,803,599	\$0	\$0	\$10,299,921
37	Lincoln County					
38	Schools	\$ 2,012,385	\$ 484,727	\$0	\$7,502,888	\$10,000,000
39	Macon County					
40	Schools	\$ 778,948	\$0	\$ 158,494	\$9,062,558	\$10,000,000
41	Madison County					
42	Schools	\$ 400,325	\$ 344,508	\$0	\$ 9,255,167	\$10,000,000
43	Martin County					
44	Schools	\$ 513,771	\$ 3,603,154	\$0	\$ 5,883,076	\$10,000,000
45	McDowell County					
46	Schools	\$ 1,043,596	\$ 5,917,374	\$0	\$ 3,039,030	\$10,000,000
47	Charlotte-Mecklenburg					
48	Schools	\$26,007,162	\$0	\$35,795,177	\$0	\$61,802,340
49	Mitchell County					
50	Schools	\$ 322,518	\$ 303,978	\$0	\$ 9,373,504	\$10,000,000
51	Montgomery County					



1	Schools	\$ 672,030	\$ 2,190,091	\$0	\$ 7,137,879	\$10,000,000
2	Moore County					
3	Schools	\$ 2,251,098	\$0	\$0	\$ 7,748,902	\$10,000,000
4	Nash-Rocky Mount					
5	Schools	\$ 2,611,373	\$14,555,363	\$0	\$0	\$17,166,736
6	New Hanover County					
7	Schools	\$ 4,537,659	\$0	\$0	\$ 5,462,341	\$10,000,000
8	Northampton County					
9	Schools	\$ 267,824	\$ 2,099,454	\$0	\$ 7,632,722	\$10,000,000
10	Onslow County					
11	Schools	\$ 4,699,977	\$ 6,089,634	\$14,764,292	\$0	\$25,553,902
12	Orange County					
13	Schools	\$ 1,287,955	\$0	\$0	\$ 1,867,955	\$ 3,155,910
14	Chapel Hill-Carrboro City					
15	Schools	\$ 2,171,351	\$0	\$ 621,783	\$ 4,050,956	\$ 6,844,090
16	Pamlico County					
17	Schools	\$ 232,008	\$0	\$ 402,330	\$ 9,365,662	\$10,000,000
18	Elizabeth City-Pasquotank Public					
19	Schools	\$ 952,381	\$ 4,850,575	\$0	\$ 4,197,044	\$10,000,000
20	Pender County					
21	Schools	\$ 1,615,060	\$ 6,949,447	\$ 5,644,812	\$0	\$14,209,319
22	Perquimans County					
23	Schools	\$ 285,468	\$ 250,868	\$0	\$ 9,463,664	\$10,000,000
24	Person County					
25	Schools	\$ 768,186	\$ 1,435,534	\$0	\$ 7,796,280	\$10,000,000
26	Pitt County					
27	Schools	\$ 4,121,103	\$17,668,069	\$0	\$0	\$21,789,172
28	Polk County					
29	Schools	\$ 372,625	\$0	\$0	\$ 9,627,375	\$10,000,000
30	Randolph County					
31	Schools	\$ 2,806,507	\$17,202,566	\$0	\$0	\$20,009,073
32	Asheboro City					
33	Schools	\$ 790,240	\$ 4,804,089	\$0	\$0	\$ 5,594,329
34	Richmond County					
35	Schools	\$ 1,248,963	\$11,174,939	\$0	\$0	\$12,423,902
36	Public Schools of Robeson					
37	County	\$ 3,823,815	\$47,851,010	\$0	\$0	\$51,674,825
38	Rockingham County					
39	Schools	\$ 2,042,732	\$12,301,109	\$0	\$0	\$14,343,841
40	Rowan-Salisbury					
41	Schools	\$ 3,302,634	\$12,658,049	\$0	\$0	\$15,960,683
42	Rutherford County					
43	Schools	\$ 1,380,758	\$ 9,196,221	\$0	\$0	\$10,576,979
44	Sampson County					
45	Schools	\$ 1,413,045	\$11,872,434	\$0	\$0	\$13,285,480
46	Clinton City					
47	Schools	\$ 520,828	\$ 4,329,120	\$0	\$0	\$ 4,849,948
48	Scotland County					
49	Schools	\$ 981,316	\$ 9,986,327	\$0	\$0	\$10,967,643
50	Stanly County					
51	Schools	\$ 1,479,913	\$ 7,377,809	\$0	\$ 1,142,278	\$10,000,000

1	Stokes County					
2	Schools	\$ 1,023,483	\$ 5,673,717	\$0	\$ 3,302,800	\$10,000,000
3	Surry County					
4	Schools	\$ 1,345,119	\$ 6,700,636	\$0	\$0	\$ 8,045,755
5	Elkin City					
6	Schools	\$ 207,308	\$ 1,003,140	\$0	\$0	\$ 1,210,447
7	Mount Airy City					
8	Schools	\$ 288,290	\$ 1,401,846	\$0	\$0	\$ 1,690,136
9	Swain County					
10	Schools	\$ 341,573	\$ 435,076	\$0	\$ 9,223,351	\$10,000,000
11	Transylvania County					
12	Schools	\$ 587,519	\$0	\$0	\$ 9,412,481	\$10,000,000
13	Tyrrell County					
14	Schools	\$ 111,682	\$ 747,828	\$ 658,358	\$ 8,482,132	\$10,000,000
15	Union County Public					
16	Schools	\$ 7,269,182	\$0	\$4,925,494	\$0	\$12,194,677
17	Vance County					
18	Schools	\$ 973,023	\$ 9,963,922	\$0	\$0	\$10,936,946
19	Wake County					
20	Schools	\$28,312,249	\$0	\$81,295,042	\$0	\$109,607,291
21	Warren County					
22	Schools	\$ 333,457	\$ 665,924	\$0	\$ 9,000,619	\$10,000,000
23	Washington County					
24	Schools	\$ 227,068	\$ 1,526,792	\$0	\$ 8,246,140	\$10,000,000
25	Watauga County					
26	Schools	\$ 811,765	\$0	\$ 1,658,087	\$ 7,530,148	\$10,000,000
27	Wayne County Public					
28	Schools	\$ 3,215,124	\$20,431,119	\$0	\$0	\$23,646,243
29	Wilkes County					
30	Schools	\$ 1,595,123	\$ 7,544,916	\$0	\$ 859,961	\$10,000,000
31	Wilson County					
32	Schools	\$ 1,965,809	\$ 9,032,303	\$0	\$0	\$10,998,108
33	Yadkin County					
34	Schools	\$ 911,449	\$ 5,605,490	\$0	\$3,483,061	\$10,000,000
35	Yancey County					
36	Schools	\$ 373,507	\$ 1,676	\$0	\$9,624,817	\$10,000,000
37	<b>Total</b>	<b>\$250,500,000</b>	<b>\$600,402,894</b>	<b>\$225,000,000</b>	<b>\$424,097,106</b>	
38						<b>\$1,500,000,000</b>

(1a) Subject to the provisions of subdivision (2) of this subsection, two hundred million dollars (\$200,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for paying the costs of capital outlay projects for constituent institutions and repairs and renovations in the following general amounts set forth below:

**The University of North Carolina**

Various Statewide	New Construction, Repairs, Renovations	\$200,000,000
<b>Total for The University of North Carolina</b>		<b>\$200,000,000</b>

- (1b) Subject to the provisions of subdivision (2) of this subsection, two hundred million dollars (\$200,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for paying the costs of community college capital outlay projects and repairs and renovations in the following general amounts set forth below:

**NC Community Colleges**

Various Statewide	Technology Upgrades, New Construction, \$200,000,000 Repairs, Renovations
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<b>Total for NC Community Colleges</b>	<b>\$200,000,000</b>
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- (2) Special allocation provisions. – In determining the use of the proceeds of education bonds and notes, including premium thereon, if any, set forth in this act, the following special allocation provisions apply:

a. With respect to proceeds allocated in subdivision (1) of this subsection:

1. The proceeds shall be used for new construction or rehabilitation of existing facilities and repairs and renovations. Any items purchased with such proceeds and installed or replaced as part of a renovation or rehabilitation must have a useful life of at least 10 years or must extend the life of the facility by at least 10 years once renovated or rehabilitated.
2. In the case of a local school administrative unit located entirely in one county, the unit's total distribution amount shall be allocated to that county. In the case of a local school administrative unit located in more than one county, the unit's distribution amount shall be allocated among the counties in which the unit is located in proportion to average daily membership of the unit in each county. A unit's distribution amount allocated to a county may be used only with respect to public school facilities of that unit. If two or more local school administrative units are consolidated into one unit, the distribution amounts provided in subdivision (1) of this subsection for the units shall be considered the distribution amount for the merged unit.
3. Bond proceeds for a county for any designation require no local match if any portion of the proceeds results from low-wealth county or adjustment factor designation allocations. Any other county receiving bond proceeds allocated shall provide local matching funds from county funds, other non-State funds, or a combination of these sources for such proceeds. The amount of matching funds shall be (i) one dollar (\$1.00) of local matching funds for every three dollars (\$3.00) of such proceeds for a local school administrative unit located in a county that is a development tier one area, as defined in G.S. 143B-437.08, (ii) one dollar (\$1.00) of local matching funds for every two dollars (\$2.00) of such proceeds for a local school administrative unit located in a county that is a development tier two area, as defined in

G.S. 143B-437.08, and (iii) one dollar (\$1.00) of local matching funds for every one dollar (\$1.00) of such proceeds for a local school administrative unit located in a county that is a development tier three area, as defined in G.S. 143B-437.08. The match requirement may be satisfied by non-State expenditures for public school facilities made on or after January 1, 2015. If a debt has been incurred since January 1, 2015, for the general purpose of public school facilities, then the face amount of the debt shall be considered as a non-State expenditure for public school facilities for the purpose of the match. No other expenditures made or debts incurred before January 1, 2015, may be used to satisfy the match requirement. As counties satisfy the match requirements of this sub-sub-subdivision, they shall document the extent to which they have done so in periodic reports to the State Board of Education. These reports shall include any information and documentation required by the State Board of Education. The State Board of Education shall certify to the State Treasurer from time to time the extent to which the match requirements of this sub-sub-subdivision have been met with respect to each county. Bond proceeds shall be distributed for expenditure only as, and to the extent, the matching requirement of this sub-sub-subdivision are satisfied, as certified by the State Board of Education. The State Board of Education shall also require counties to report annually on the impact of funds provided under this act on the property tax rate for that year. These reports shall be public documents and shall be furnished to any citizen upon request. If the State Board of Education determines that a county has not met the matching requirement set forth in this sub-sub-subdivision by January 1, 2026, the State Board of Education shall certify that fact to the State Treasurer by March 1, 2026. Amounts that are allocated in the ADM Growth Allocation of bond proceeds under subdivision (1) of this subsection and that have not been certified as matched by the State Board of Education by January 1, 2026, shall be reallocated among the counties that have been certified as having met the matching requirement for that allocation. The reallocation shall be made among the eligible counties in proportion to the amount of ADM Growth Allocations for those counties under subdivision (1) of this subsection. Amounts that are allocated in the ADM Allocation of bond proceeds under subdivision (1) of this subsection and that have not been certified as matched by the State Board of Education by January 1, 2026, shall be reallocated among the counties that have been certified as having met the matching requirement for that allocation. The reallocation shall be made on the basis of average daily membership of the local school administrative units within the remaining counties. Bond proceeds reallocated to a county because of a local school administrative unit's average daily membership within the county may be used only with respect to public school capital outlay projects of that unit. Bond

- 1 proceeds reallocated to a county under this sub-subdivision
- 2 must be matched at the same rate as bond proceeds allocated
- 3 to the county under this sub-sub-subdivision.
- 4 4. In determining between projects for which bond proceeds are
- 5 allocated, the State Board of Education shall give
- 6 consideration to those projects that primarily involve
- 7 materially improving the energy efficiency of the school
- 8 facility.
- 9 b. With respect to proceeds allocated in subdivision (1a) of this
- 10 subsection:
- 11 1. The proceeds shall be used for new construction or
- 12 rehabilitation of existing facilities and repairs and renovations.
- 13 Any items purchased with such proceeds and installed or
- 14 replaced as part of a renovation or rehabilitation must have a
- 15 useful life of at least 10 years or must extend the life of the
- 16 facility by at least 10 years once renovated or rehabilitated. In
- 17 order to receive the proceeds under this sub-subdivision for
- 18 projects for new construction, the constituent institution
- 19 receiving the proceeds shall provide matching funds from other
- 20 non-State funds. Constituent institutions are not required to
- 21 match bond proceeds allocated in this section for rehabilitation
- 22 of existing facilities and repairs and renovations.
- 23 2. In determining the allocation of proceeds, the Board of
- 24 Governors shall consider the following factors: (i) size of the
- 25 entity, with a focus on smaller campuses; (ii) population
- 26 historically served, with a focus on historically
- 27 minority-serving institutions; (iii) development tier area
- 28 designations, with a focus on lower development tier areas; (iv)
- 29 constituent institutions operating a school serving any grade,
- 30 kindergarten through 12, with a focus on such institutions; and
- 31 (v) length of outstanding repairs and renovations requests, with
- 32 a focus on longer outstanding requests.
- 33 c. With respect to proceeds allocated in subdivision (1b) of this
- 34 subsection:
- 35 1. The proceeds shall be used for upgrades to the enterprise
- 36 resource planning information technology ("the ERP system"),
- 37 new construction or rehabilitation of existing facilities, and
- 38 repairs and renovations.
- 39 2. Any items purchased with such proceeds for new construction
- 40 or rehabilitation of existing facilities and repairs and
- 41 renovations and installed or replaced as part of a renovation or
- 42 rehabilitation must have a useful life of at least 10 years or
- 43 must extend the life of the facility by at least 10 years once
- 44 renovated or rehabilitated. In order to receive the proceeds
- 45 under this sub-subdivision for projects for new construction,
- 46 the community college receiving the proceeds shall provide
- 47 local matching funds from county funds, other non-State funds,
- 48 or a combination of these sources for such proceeds. The
- 49 amount of matching funds shall be (i) one dollar (\$1.00) of
- 50 local matching funds for every three dollars (\$3.00) of such
- 51 proceeds for a community college with a main campus located

1 in a development tier one area, as defined in  
2 G.S. 143B-437.08, (ii) one dollar (\$1.00) of local matching  
3 funds for every two dollars (\$2.00) of such proceeds for a  
4 community college with a main campus located in a  
5 development tier two area, as defined in G.S. 143B-437.08,  
6 and (iii) one dollar (\$1.00) of local matching funds for every  
7 one dollar (\$1.00) of such proceeds for a community college  
8 with a main campus located in a development tier three area,  
9 as defined in G.S. 143B-437.08. Community colleges are not  
10 required to match bond proceeds allocated in this section for  
11 rehabilitation of existing facilities and repairs and renovations.  
12 The provisions of G.S. 115D-31, or any other provision of law  
13 permitting prior expenditures to be used for match purposes,  
14 do not apply for purposes of meeting the matching funds  
15 requirements of this act.

- 16 3. In determining between projects for which bond proceeds are  
17 allocated, the Community Colleges System Office shall give  
18 first priority to the ERP system project and shall prioritize  
19 allocation of the remainder of funds among projects for new  
20 construction and repairs and renovations by ranking the  
21 projects for the various community colleges according to three  
22 components, as follows: (i) the development factor ranking by  
23 the Secretary of Commerce, as provided in G.S. 143B-437.08,  
24 for identification of the development tier of the county in  
25 which the project is located, which shall be single weighted,  
26 (ii) the community college's repairs and renovations needs,  
27 which shall be double weighted, and (iii) the community  
28 college's additional square footage needs, which shall be single  
29 weighted.

30 **SECTION 1.(f) Allocation and Tracking of Proceeds. –**

- 31 (1) Education bonds. – The proceeds of education bonds and notes, including  
32 premium thereon, if any, except the proceeds of bonds, the issuance of which  
33 has been anticipated by bond anticipation notes or the proceeds of refunding  
34 bonds or notes, shall be placed by the State Treasurer in a special fund to be  
35 designated "Education Bonds Fund," which may include such appropriate  
36 special accounts therein as may be determined by the State Treasurer and shall  
37 be disbursed as provided in this section. Monies in the Education Bonds Fund  
38 shall be allocated and expended as provided in this section.

39 Any additional monies that may be received by means of a grant or grants  
40 from the United States of America or any agency or department thereof or  
41 from any other source for deposit to the Education Bonds Fund may be placed  
42 in the Education Bonds Fund or in a separate account or fund and shall be  
43 disbursed, to the extent permitted by the terms of the grant or grants, without  
44 regard to any limitations imposed by this section.

45 Monies in the Education Bonds Fund or any separate account established  
46 under this section may be invested from time to time by the State Treasurer in  
47 the same manner permitted for investment of monies belonging to the State or  
48 held in the State treasury, except with respect to grant money to the extent  
49 otherwise directed by the terms of the grant. Investment earnings, except  
50 investment earnings with respect to grant monies to the extent otherwise  
51 directed or restricted by the terms of the grant, may be (i) credited to the

Education Bonds Fund or (ii) used to satisfy compliance with applicable requirements of the federal tax law.

The proceeds of education bonds and notes, including premium thereon, if any, may be used with any other monies made available by the General Assembly for funding the projects authorized by this section, including the proceeds of any other State bond issues, whether heretofore made available or that may be made available at the session of the General Assembly at which this section is ratified or any subsequent sessions. The proceeds of education bonds and notes, including premium thereon, if any, shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this section shall be disbursed for the purposes provided in this section upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the State Budget Act, Chapter 143C of the General Statutes.

(2) Tracking of bond proceeds. – The State Treasurer or the State Treasurer's designee is hereby authorized and directed to set up a comprehensive system of tracking the proceeds of the education bonds and notes, including premium thereon, if any, to the extent necessary to enable the State Treasurer or the State Treasurer's designee to properly account for the use of such proceeds for compliance with applicable requirements of the federal tax law or otherwise. All recipients of such proceeds shall comply with any tracking system implemented by the State Treasurer or the State Treasurer's designee for this purpose. The State Treasurer may withhold proceeds if the recipient fails to comply with this subdivision.

(3) Costs. – Allocations to the costs of a capital improvement or undertaking in each case may include allocations to pay the costs set forth in sub-subdivisions c. through g. of subdivision (2) of subsection (c) of this section in connection with the issuance of bonds for that capital improvement or undertaking.

**SECTION 1.(g) Election.** – The question of the issuance of the bonds authorized by this section shall be submitted to the qualified voters of the State at the time of the election in 2020 when voters of this State are given an opportunity to express their preference for the person to be the presidential candidate of their political party. Any other primary, election, or referendum, validly called or scheduled by law at the time the election on the bond question provided for in this subsection is held, may be held as called or scheduled. Notice of the election shall be given in the manner and at the times required by G.S. 163A-769(8). The election and the registration of voters therefor shall be held under and in accordance with the general laws of the State. Absentee ballots shall be authorized in the election.

The State Board of Elections (State Board) shall reimburse the counties of the State for all necessary expenses incurred in holding the election that are in addition to those that would have otherwise been incurred, the same to be paid out of the Contingency and Emergency Fund or other funds available to the State Board.

Ballots, voting systems authorized by Subpart 2 of Part 3 of Article 20 of Chapter 163A of the General Statutes, or both may be used in accordance with rules prescribed by the State Board. The bond question to be used in the ballots or voting systems shall be in substantially the following form:

"[ ] FOR [ ] AGAINST

The issuance of one billion nine hundred million dollars (\$1,900,000,000) State of North Carolina Education Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds,



1 with any other available funds, (i) for public school facilities through grants to counties for public  
2 school capital outlay projects, in the amount of one billion five hundred million dollars  
3 (\$1,500,000,000), (ii) for community college facilities for community college capital outlay  
4 projects, repairs and renovations, in the amount of two hundred million dollars (\$200,000,000),  
5 and (iii) for The University of North Carolina facilities for capital outlay projects for constituent  
6 institutions, and repairs and renovations at such institutions, in the amount of two hundred million  
7 dollars (\$200,000,000)."

8 If a majority of those voting on a bond question in the election vote in favor of the  
9 issuance of the bonds described in the question, those bonds may be issued as provided in this  
10 section. If a majority of those voting on a bond question in the election do not vote in favor of  
11 the issuance of the bonds described in the question, those bonds shall not be issued.

12 The results of the election shall be canvassed and declared as provided by law for  
13 elections for State officers; the results of the election shall be certified by the State Board to the  
14 Secretary of State in the manner and at the time provided by the general election laws of the  
15 State.

16 **SECTION 1.(h) Issuance of Bonds and Notes. –**

17 (1) Terms and conditions. – Bonds or notes may bear such date or dates, may be  
18 serial or term bonds or notes, or any combination thereof, may mature in such  
19 amounts and at such time or times, not exceeding 40 years from their date or  
20 dates, may be payable at such place or places, either within or without the  
21 United States of America, in such coin or currency of the United States of  
22 America as at the time of payment is legal tender for payment of public and  
23 private debts, may bear interest at such rate or rates, which may vary from  
24 time to time, and may be made redeemable before maturity, at the option of  
25 the State or otherwise as may be provided by the State, at such price or prices,  
26 including a price less than the face amount of the bonds or notes, and under  
27 such terms and conditions, all as may be determined by the State Treasurer by  
28 and with the consent of the Council of State.

29 (2) Signatures; form and denomination; registration. – Bonds or notes may be  
30 issued as certificated or uncertificated obligations. If issued as certificated  
31 obligations, bonds or notes shall be signed on behalf of the State by the  
32 Governor or shall bear the Governor's facsimile signature, shall be signed by  
33 the State Treasurer or shall bear the State Treasurer's facsimile signature, and  
34 shall bear the Great Seal of the State of North Carolina or a facsimile thereof  
35 shall be impressed or imprinted thereon. If bonds or notes bear the facsimile  
36 signatures of the Governor and the State Treasurer, the bonds or notes shall  
37 also bear a manual signature, which may be that of a bond registrar, trustee,  
38 paying agent, or designated assistant of the State Treasurer. Should any officer  
39 whose signature or facsimile signature appears on bonds or notes cease to be  
40 such officer before the delivery of the bonds or notes, the signature or  
41 facsimile signature shall nevertheless have the same validity for all purposes  
42 as if the officer had remained in office until delivery, and bonds or notes may  
43 bear the facsimile signatures of persons who at the actual time of the execution  
44 of the bonds or notes shall be the proper officers to sign any bond or note,  
45 although at the date of the bond or note such persons may not have been such  
46 officers. The form and denomination of bonds or notes, including the  
47 provisions with respect to registration of the bonds or notes and any system  
48 for their registration, shall be as the State Treasurer may determine in  
49 conformity with this section; provided, however, that nothing in this section  
50 shall prohibit the State Treasurer from proceeding, with respect to the issuance  
51 and form of the bonds or notes, under the provisions of Chapter 159E of the



- 1 General Statutes, the Registered Public Obligations Act, as well as under this  
2 section.
- 3 (3) Manner of sale; expenses. – Subject to the consent of the Council of State, the  
4 State Treasurer shall determine the manner in which bonds or notes shall be  
5 offered for sale, whether at public or private sale, whether within or without  
6 the United States of America, and whether by publishing notices in certain  
7 newspapers and financial journals, mailing notices, inviting bids by  
8 correspondence, negotiating contracts of purchase, or otherwise, and the State  
9 Treasurer is authorized to sell bonds or notes at one time or from time to time  
10 at such rate or rates of interest, which may vary from time to time, and at such  
11 price or prices, including a price less than the face amount of the bonds or the  
12 notes, as the State Treasurer may determine. All expenses incurred in  
13 preparation, sale, and issuance of bonds or notes shall be paid by the State  
14 Treasurer from the proceeds of bonds or notes or other available monies.
- 15 (4) Notes; repayment. –
- 16 a. Subject to the consent of the Council of State, the State Treasurer is  
17 hereby authorized to borrow money and to execute and issue notes of  
18 the State for the same, but only in the following circumstances and  
19 under the following conditions:
- 20 1. For anticipating the sale of bonds to the issuance of which the  
21 Council of State shall have given consent, if the State Treasurer  
22 shall deem it advisable to postpone the issuance of the bonds.
- 23 2. For the payment of interest on or any installment of principal  
24 of any bonds then outstanding, if there shall not be sufficient  
25 funds in the State treasury with which to pay the interest or  
26 installment of principal as they respectively become due.
- 27 3. For the renewal of any loan evidenced by notes herein  
28 authorized.
- 29 4. For the purposes authorized in this section.
- 30 5. For refunding bonds or notes as herein authorized.
- 31 b. Funds derived from the sale of bonds or notes may be used in the  
32 payment of any bond anticipation notes issued under this section.  
33 Funds provided by the General Assembly for the payment of interest  
34 on or principal of bonds shall be used in paying the interest on or  
35 principal of any notes and any renewals thereof, the proceeds of which  
36 shall have been used in paying interest on or principal of the bonds.
- 37 (5) Refunding bonds and notes. – By and with the consent of the Council of State,  
38 the State Treasurer is authorized to issue and sell refunding bonds and notes  
39 pursuant to the provisions of the State Refunding Bond Act for the purpose of  
40 refunding bonds or notes issued pursuant to this section. The refunding bonds  
41 and notes may be combined with any other issues of State bonds and notes  
42 similarly secured.
- 43 (6) Tax exemption. – Bonds and notes shall be exempt from all State, county, and  
44 municipal taxation or assessment, direct or indirect, general or special,  
45 whether imposed for the purpose of general revenue or otherwise, excluding  
46 inheritance and gift taxes, income taxes on the gain from the transfer of bonds  
47 and notes, and franchise taxes. The interest on bonds and notes shall not be  
48 subject to taxation as to income.
- 49 (7) Investment eligibility. – Bonds and notes are hereby made securities in which  
50 all public officers, agencies, and public bodies of the State and its political  
51 subdivisions; all insurance companies, trust companies, investment

companies, banks, savings banks, savings and loan associations, credit unions, pension or retirement funds, other financial institutions engaged in business in the State; executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Bonds and notes are hereby made securities that may properly and legally be deposited with and received by any officer or agency of the State or political subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of the State or any political subdivision of the State is now or may hereafter be authorized by law.

- (8) Faith and credit. – The faith and credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on bonds and notes. In addition to the State's right to amend any provision of this section to the extent it does not impair any contractual right of a bond owner, the State expressly reserves the right to amend any provision of this section with respect to the making and repayment of loans, the disposition of any repayments of loans, and any intercept provisions relating to the failure of a local government unit to repay a loan, the bonds not being secured in any respect by loans, any repayments thereof, or any intercept provisions with respect thereto.

**SECTION 1.(i) Variable Interest Rates.** – In fixing the details of bonds and notes, the State Treasurer may provide that any of the bonds or notes may:

- (1) Be made payable from time to time on demand or tender for purchase by the owner thereof, provided a credit facility agreement supports the bonds or notes, unless the State Treasurer specifically determines that a credit facility agreement is not required, upon a finding and determination by the State Treasurer that the absence of a credit facility agreement will not materially or adversely affect the financial position of the State and the marketing of the bonds or notes at a reasonable interest cost to the State;
- (2) Be additionally supported by a credit facility agreement;
- (3) Be made subject to redemption or a mandatory tender for purchase prior to maturity;
- (4) Bear interest at a rate or rates that may vary for such period or periods of time, all as may be provided in the proceedings providing for the issuance of the bonds or notes, including, without limitation, such variations as may be permitted pursuant to a par formula; and
- (5) Be made the subject of a remarketing agreement whereby an attempt is made to remarket bonds or notes to new purchasers prior to their presentment for payment to the provider of the credit facility agreement or to the State.

If the aggregate principal amount repayable by the State under a credit facility agreement is in excess of the aggregate principal amount of bonds or notes secured by the credit facility agreement, whether as a result of the inclusion in the credit facility agreement of a provision for the payment of interest for a limited period of time or the payment of a redemption premium or for any other reason, then the amount of authorized but unissued bonds or notes during the term of such credit facility agreement shall not be less than the amount of such excess, unless the payment of such excess is otherwise provided for by agreement of the State executed by the State Treasurer.

**SECTION 1.(j) Interpretation of Section.** –

- (1) Additional method. – The foregoing subsections of this section shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing.

- (2) Statutory references. – References in this section to specific sections or Chapters of the General Statutes or to specific acts are intended to be references to these sections, Chapters, or acts as they may be amended from time to time by the General Assembly.
- (3) Broad construction. – The General Assembly specifically has chosen to combine what otherwise might be considered differing projects to be financed into one bond bill and bond question because the General Assembly finds that such differing projects, when taken together, constitute an interrelated, united, and single plan for the State's infrastructure as stated aforesaid. Accordingly, this section, being necessary for the health, welfare, and advancement of the people of the State, shall be broadly construed to affect the purposes thereof.
- (4) Inconsistent provisions. – Insofar as the provisions of this section are inconsistent with the provisions of any general laws, or parts thereof, the provisions of this section shall be controlling.
- (5) Severability. – If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

**SECTION 1.(k) Other Agreements.** – The State Treasurer may authorize, execute, obtain, or otherwise provide for bond issuance, investment contracts, credit and liquidity facilities, interest rate swap agreements and other derivative products, and any other related instruments and matters the State Treasurer determines to be desirable in connection with the issuance of bonds and notes.

**SECTION 2.** Each entity, upon receiving the proceeds of education bonds and notes, including premium thereon, if any, issued pursuant to and for projects listed in Section 1 of this act, shall administer, supervise, and ensure that use of the proceeds comport with the purposes provided in this act. Each local school administrative unit, along with the corresponding board of county commissioners, shall jointly submit to the State Board of Education a plan for the expenditure of proceeds allocated to it under this act. After the State Board of Education determines that a local school administrative unit's planned expenditure of part or all of the proceeds allocated to it is within the purposes provided in this act, the State Board of Education shall make the proceeds to which the plans apply available to the local school administrative unit. Each local school administrative unit receiving the proceeds of education bonds and notes, including premium thereon, if any, issued pursuant to Section 1 of this act shall report by January 1, 2022, and quarterly thereafter, to the State Board of Education on the projects funded from education general obligation bonds authorized by Section 1 of this act, and the State Board of Education shall combine the reports and submit them to the Joint Legislative Capital Oversight Committee, the House of Representatives Appropriations Committee, and the Senate Committee on Appropriations/Base Budget. Each report shall include the total project costs, the amount to be funded from the bonds, the expenditures to date from the bonds and other sources, and the percentage of each project completed.

Each constituent institution of The University of North Carolina receiving the proceeds of education bonds and notes, including premium thereon, if any, issued pursuant to subdivision (1a) of Section 1(e) of this act shall report by January 1, 2022, and quarterly thereafter, to the Joint Legislative Oversight Committee on Capital Improvements, the House of Representatives Appropriations Committee, and the Senate Committee on Appropriations/Base Budget on the projects funded from education general obligation bonds authorized by Section 1 of this act. Each report shall include the total project costs, the amount to be funded from the bonds, the expenditures to date from the bonds and other sources, and the percentage of each project completed.

Community colleges receiving the proceeds of education bonds and notes, including premium thereon, if any, issued pursuant to subdivision (1b) of Section 1(e) of this act shall report by January 1, 2022, and quarterly thereafter, to the North Carolina Community Colleges System Office on the projects funded from education general obligation bonds authorized by Section 1 of this act, and the System Office shall combine the reports and submit them to the Joint Legislative Oversight Committee on Capital Improvements, the House of Representatives Appropriations Committee, and the Senate Committee on Appropriations/Base Budget. Each report shall include the total project costs, the amount to be funded from the bonds, the expenditures to date from the bonds and other sources, and the percentage of each project completed.

**SECTION 3.(a)** Projects funded in whole or in part with the proceeds of education bonds and notes, including premium thereon, if any, issued pursuant to this act, and that portion of funds estimated to be needed for escalation of costs shall remain with the Office of State Budget and Management and shall be disbursed only for the following purposes:

(1) To address unforeseen contingencies related to the specific project for which the funds were made available.

(2) To address inflation costs related to that specific project.

**SECTION 3.(b)** Any funds retained by the Office of State Budget and Management pursuant to subsection (a) of this section at the time a project is completed shall be retained by the Office of State Budget and Management. The Office of State Budget and Management shall report on any funds retained pursuant to this subsection within 90 days of a project's completion.

**SECTION 4.** Notwithstanding the period of time provided in G.S. 163A-1045(a) for which transfers are effective, transfers of voters from a given precinct, for the purpose of voting, to an adjacent precinct for the election held as required in Section 1.(g). of this act shall be for that election only and shall not apply to any subsequent election.

**SECTION 5.** Any funds from the Education Bond expended for school technology for public schools shall be reported to the State Board of Education and shall be credited against the judgment in *N.C. Sch. Bds. Ass'n. v. Moore*, No. 98-CVS-14159 (N.C. Super. Ct.).

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



## HOUSE BILL 151: Katelyn's Law.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 5, 2019
<b>Introduced by:</b>	Rep. Lambeth	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H151-CSBE-2		Staff Attorney

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**OVERVIEW:** *House Bill 151 would require the State Board of Education to adopt rules excusing absences for students attending a legislative event and would ensure that certain excused absences do not affect a student's participation in an approved attendance recognition program.*

**The PCS would make several technical changes to assist with organization of the statute.**

**CURRENT LAW:** G.S. 115C-378 requires every parent, guardian, or custodian having charge or control of a child between the ages of seven and 16 to ensure that the child attends school. G.S. 115C-379 authorizes the State Board of Education to determine what is considered an unlawful absence, and what causes might constitute legitimate excuses for temporary nonattendance, such as service as a legislative page or a Governor's page. Additionally, a minimum of two excused absences each academic year must be allowed for religious observances required by the faith of a student or the student's parents. Students can be required to give advance notice of absences for religious observances, but the students must be given the opportunity to make up any tests or other work missed.

G.S. 115C-382.5 encourages local boards of education to adopt student attendance recognition programs. If the local board adopts such a program, a student's absence due to service as a legislative page or a Governor's page must not be part of the student's record of attendance for the purpose of the program.

**BILL ANALYSIS:** The PCS to House Bill 151 would require the State Board to adopt rules that would treat student attendance at a legislative event as an excused absence. A legislative event is defined as an event sanctioned by at least one chamber of the North Carolina General Assembly that a student attends for an educational, civic, or familial purpose, including, but not limited to, (i) service as a legislative page, (ii) attendance at the legislative swearing-in ceremony of a parent or grandparent, and (iii) attendance at an event in which the student's relative is receiving special recognition by the General Assembly. For absences due to attendance at legislative events or service as a Governor's page, the PCS would authorize the State Board to require advance notice of absences, but students must be given the opportunity to make up any tests or other work missed.

Additionally, the PCS would add attendance at a legislative event as an absence that would be prohibited from being part of a student's record of attendance for the purpose of an attendance recognition program.

**EFFECTIVE DATE:** The act would be effective when it becomes law and would apply beginning with the 2019-2020 school year.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 151

Short Title: Katelyn's Law.

(Public)

Sponsors: Representative Lambeth.

*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, if favorable, Rules, Calendar, and Operations of the House

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES  
EXCUSING ABSENCES FOR STUDENTS ATTENDING A LEGISLATIVE EVENT  
AND ENSURING THAT CERTAIN EXCUSED ABSENCES DO NOT AFFECT A  
STUDENT'S PARTICIPATION IN AN APPROVED ATTENDANCE RECOGNITION  
PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as "Katelyn's Law" and may be cited by that name.

**SECTION 2.** G.S. 115C-379 reads as rewritten:

**"§ 115C-379. Method of enforcement.**

(a) Definitions. – As used in this section, the following definitions apply:

(1) Legislative event. – An event sanctioned by at least one chamber of the North Carolina General Assembly that a student attends for an educational, civic, or familial purpose, including, but not limited to, (i) service as a legislative page, (ii) attendance at the legislative swearing-in ceremony of a parent or grandparent, and (iii) attendance at an event in which the student's relative is receiving special recognition by the General Assembly.

(2) Parent. – A parent, guardian, or legal custodian of a student.

(3) Relative. – An individual who is related to a student within the third degree of kinship, including relation by legal adoption.

(4) Religious observance. – A procedure, ceremony, custom, activity, or rite required by the faith of a student or a student's parent.

(b) Rules. – It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational opportunity such as a legislative event or service as a legislative page or a Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State.

(c) Excused Absences. – The rules shall require school principals to authorize excused absences as follows:



(1) ~~a~~A minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parents.~~observances.~~

(2) Whenever a student is unable to attend class because of a legislative event.

The rules may require that the student's parents give the principal written notice of the request for an excused absence a reasonable time prior to the religious ~~observance.~~ observance or legislative event. The student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious ~~observance.~~ observance or legislative event.

(d) Duties of School Officials. — It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any local school administrative unit that has a higher compulsory attendance feature than that provided herein."

**SECTION 3.** G.S. 115C-382.5 reads as rewritten:

**"§ 115C-382.5. Student attendance recognition programs.**

Local boards of education are encouraged to adopt a student attendance recognition program within the local school administrative unit to promote student attendance in school and participation in class as an integral part of academic achievement and the learning process. If the local board of education adopts a student attendance recognition program, a student with an absence resulting from service as ~~a legislative page or a Governor's page~~ or because of an excused absence identified in G.S. 115C-379(c) shall be eligible for participation in the program and the student's absence shall not be included as part of the student's record of attendance for the purposes of the program."

**SECTION 4.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 151  
PROPOSED COMMITTEE SUBSTITUTE H151-CSBE-2 [v.6]  
03/04/2019 05:43:24 PM

Short Title: Katelyn's Law.

(Public)

Sponsors:

Referred to:

February 25, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES  
3 EXCUSING ABSENCES FOR STUDENTS ATTENDING A LEGISLATIVE EVENT  
4 AND ENSURING THAT CERTAIN EXCUSED ABSENCES DO NOT AFFECT A  
5 STUDENT'S PARTICIPATION IN AN APPROVED ATTENDANCE RECOGNITION  
6 PROGRAM.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** This act shall be known as "Katelyn's Law" and may be cited by that  
9 name.

10 **SECTION 2.** G.S. 115C-379 reads as rewritten:

11 **"§ 115C-379. Method of enforcement.**

12 (a) Rules. — It shall be the duty of the State Board of Education to formulate the rules that  
13 may be necessary for the proper enforcement of the provisions of this Part. The Board shall  
14 prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate  
15 excuses for temporary nonattendance due to a student's physical or mental inability to attend or  
16 a student's participation in a valid educational ~~opportunity~~ ~~opportunity, such as service as a~~  
17 ~~legislative page or a Governor's page,~~ and (iii) under what circumstances teachers, principals, or  
18 superintendents may excuse pupils for nonattendance due to immediate demands of the farm or  
19 the home in certain seasons of the year in the several sections of the State.

20 (b) Excused Absences. — The rules shall at least require school principals to authorize  
21 excused absences as follows:

22 (1) ~~a~~ A minimum of two excused absences each academic year for religious  
23 observances required by the faith of a student or the student's parents.

24 (2) Attendance at a legislative event. A legislative event is an event sanctioned by  
25 at least one chamber of the North Carolina General Assembly that a student  
26 attends for an educational, civic, or familial purpose, including, but not limited  
27 to, (i) service as a legislative page, (ii) attendance at the legislative swearing-in  
28 ceremony of a parent or grandparent, and (iii) attendance at an event in which  
29 the student's relative is receiving special recognition by the General  
30 Assembly.

31 (3) Service as a Governor's page.

32 (c) Advance Notice and Missed Work. — The rules may require that the student's parents  
33 give the principal written notice of the request for an excused absence a reasonable time prior to  
34 ~~the religious observance~~ ~~the absence.~~ The student shall be given the opportunity to make up any  
35 tests or other work missed due to an excused ~~absence~~ ~~absence, for a religious observance.~~



1 (d) Duties of School Officials. – It shall be the duty of all school officials to carry out  
2 such instructions from the State Board of Education, and any school official failing to carry out  
3 such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory  
4 attendance law herein prescribed shall not be in force in any local school administrative unit that  
5 has a higher compulsory attendance feature than that provided herein."

6 **SECTION 3.** G.S. 115C-382.5 reads as rewritten:

7 **"§ 115C-382.5. Student attendance recognition programs.**

8 Local boards of education are encouraged to adopt a student attendance recognition program  
9 within the local school administrative unit to promote student attendance in school and  
10 participation in class as an integral part of academic achievement and the learning process. If the  
11 local board of education adopts a student attendance recognition program, a student with an  
12 absence resulting from service as ~~a legislative page or a Governor's page~~ or because of an excused  
13 absence identified in G.S. 115C-379(b)(2) shall be eligible for participation in the program and  
14 the student's absence shall not be included as part of the student's record of attendance for the  
15 purposes of the program."

16 **SECTION 4.** This act is effective when it becomes law and applies beginning with  
17 the 2019-2020 school year.

**House Committee on Education - K-12**  
**Tuesday, March 12, 2019 at 1:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 1:00 PM on March 12, 2019 in Room 643 of the Legislative Office Building. Representatives Ball, Beasley, ~~Brewer~~, Brockman, Brody, Clemmons, Corbin, Elmore, Farmer-Butterfield, Fisher, Fraley, Gailliard, Gill, Graham, Hardister, Horn, Iler, ~~J. Johnson~~, L. Johnson, Lambeth, Lucas, ~~McNeely~~, Meyer, Potts, Riddell, and White attended.

Representative Linda P. Johnson, Chair, presided and called the meeting to order at 1:10 PM and introduced the Sergeant At Arms and House Pages assisting with the committee. Copies of the agenda, attendance, and visitor registration are attached (attachments 1-4)

The following bills were considered:

**HB 56 Arts Education Requirement. (Representatives Elmore, L. Johnson, Carney)**  
(Attachment 5)

Representative Elmore and Carney presented the bill to committee:

Directs the State Board of Education (Board) to modify the State graduation requirements to include one required credit in arts education, to be completed any time in grades 6 through 12. Implementation begins with students entering the sixth grade in 2022. Requires the Board to include an exemption from the arts education requirement for students who transfer to a North Carolina public school beginning in the ninth grade or later if adhering to the requirement would result in a student being unable to graduate with the graduation class to which the student was assigned when transferring to North Carolina's public school system. Further directs the State Board of Education to (1) establish procedures and a timeline for a phased-in implementation of the new arts requirement; (2) establish the minimum criteria to meet the arts requirement; and (3) report to the Joint Legislative Education Oversight Committee, by December 15, 2022, on the statewide implementation of the three interdependent components of comprehensive arts education (arts education, arts integration, and arts exposure) and this new graduation requirement.

Chairman Johnson requested Representative Carney share the history of the efforts to pass the Arts Education Requirement bill since 2009 and the importance for the arts for K-12 education. Also to share the commission study. In 2009 Senator Dorsett was the champion in the Senate. Representatives Carney and Johnson along with Senator Dorsett created an Arts Task Force. Representatives Carney and Johnson took it one step further in the House which changed it to create a comprehensive arts education plan in 2010 which was presented to Joint Oversight Education Committee was a creation of an arts high education bill. This bill has incorporated the efforts for 5 biennium sessions.

Representative Fraley requested an earlier date prior to 2022 and suggested sending an amendment

Representative Elmore explained the logic regarding the timeline which would fulfill the requirement prior to graduation. Chairman Johnson stated the need to certify the courses considering outside sources would be required.

Representative Potts inquired about additional costs to the LEAs and Representative Carney confirmed through DPI it can be done without additional costs.

Lucas made motion for passage of HB56 and a favorable report with a re-referral to House Rules

**HB 79 Academic Alignment/Boards of Education & CC. (Representatives Horn, L. Johnson, Elmore, Strickland) (attachment 6)**

Representative Horn presented the bill to committee:

Amends GS 115C-84.2(d) to authorize local boards of education to align the calendar of schools in the local school administrative unit with the calendar of a community college serving the city or county in which the unit is located. Applies beginning with the 2019-20 school year.

Chairman Johnson opened the floor for comments following the presentation of the bill.

Representative Iler declined to support for the conflict with tourism. Representative Horn stated the schools and community colleges have created a partnership which will accommodate students and workforce readiness. Iler expressed his concerns with Early College which Horn diverted to staff, Kara McCraw to share data compiled from the community colleges and students regarding the alignment of calendars she explained based on the survey. She did not have the exact data but expressed an overwhelming support for the calendar alignment.

Representative Corbin stated the superintendents from his district did not feel it should require a month and his district is a tourist destination

Chairman Johnson recognized Louise Lee volunteer for a grassroots organization *Save Our Summers* stating the lower grades are not factored in considering the alignment. She expressed this is a 'can of worms' and doesn't adhere to the guidelines.

Representative Beasley earliest date for an LEA to start and how many days for the movement to occur. Kara based on vast major community colleges no earlier than August 15 or later with few exceptions. Beasley followed up confirming the third week of August and Kara McCraw confirmed closest the Monday closest to August 26<sup>th</sup>.

Fischer stated this is permissive and NOT enforced.

Fischer made motion for passage of HB79 and a favorable report with a re-referral to House Rules

**HB 117 School Calendar Flexibility Pilot Program. (Representatives Warren, Horn, Howard, L. Johnson) (Attachment 7)**

Representative Warren presented to committee:

Requires the State Board of Education (State Board) to establish a School Calendar Flexibility Pilot Program (Program) to determine the impact of school calendar flexibility for opening and closing dates on student achievement and summer internships and to identify and quantify the communities that can support local school calendar control and those that cannot.

Authorizes all local school administrative units in the 22 specified counties to participate in the Program, but provides that any local board of education of a local school administrative unit authorized to participate in the Program may elect not to participate; sets out the process for authorizing replacement local school administrative units.

Requires each participating local school administrative unit to participate for three school years, beginning in either the 2019-20 school year or the 2020-21 school year. Requires the State Board to give the Department of Commerce a list of the participating local school administrative units by February 1, 2020.

Provides that local boards of education of participating local school administrative units will determine, for the duration of the Program, the dates of opening and closing the public schools; and that except for year-round schools, the opening date for students will be no earlier than the Monday closest to August 10 and the closing date for students shall be no later than the Friday closest to June 11.

Requires the Department of Public Instruction (DPI) to, for the duration of the Program, contact each participating local school administrative unit annually to determine: (1) the actual dates for opening and closing the public schools, (2) the impact of the Program on student achievement and summer internships, and (3) any other information DPI deems necessary for purposes of the study. Requires DPI to give the Department of Commerce the actual dates for opening and closing the public schools in each participating local school administrative unit.

Requires the Department of Commerce to study the effect of the Program on the tourist industry.

Requires the State Board and Department of Commerce, by November 15 of each year following the operation of the Program, to separately report to the UNC School of Government (SOG) on the effects of the Program. Specifies items that must be included in the report. Also requires the State Board to recommend any local school administrative units that should be assigned calendar flexibility on an ongoing basis. Requires the Department of Commerce to report on any economic impact of the Program on the tourism industry in the State. Requires the SOG to evaluate this information and provide an aggregated report to the Joint Legislative Education Oversight Committee by December 15 of the same year.

Representative Iler expressed considerable concern regarding the impact on tourism.

Hardister made a motion for passage of HB117 and a favorable report with a re-referral to House Rules

The meeting adjourned at 1:59.

  
Representative Linda P. Johnson, Chair  
Presiding

  
Rhonda Todd, Committee Clerk

**House Committee on Education - K-12**  
**Tuesday, March 12, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 56	Arts Education Requirement.	Representative Elmore Representative Johnson Representative Carney
HB 79	Academic Alignment/Boards of Education & CC.	Representative Horn Representative Johnson Representative Elmore Representative Strickland
HB 117	School Calendar Flexibility Pilot Program.	Representative Warren Representative Horn Representative Howard Representative Johnson

**Presentations**

**Other Business**

**Adjournment**





Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education - K - 12

DATE: 3/12/2019 Room: 643 LOB

House Sgt-At Arms:

1. Name: Jonas Cherry
2. Name: Rey Cooke
3. Name: Dean Marshbourne
4. Name: ~~Barry Moore~~ DAVID LINTHICUM
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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



**House Pages  
Assignments  
Tuesday, March 12, 2019  
Session: 4:45 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Education - K-12	643	1:00 PM	Jevan Lyle		Speaker Tim Moore
			Gabria Savage		Speaker Tim Moore



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3/12/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ed Dennison	moore county BOE BOD NCSBA
Louise Lee	Save Our Summers - NC (citizen)
Dana May	Raleigh Chamber
Claudia Snodgrass	governors ofc
JOHN W HARRISON	NC DTSEA
Cathy Thomas	TPA
Sarah Patterson	WM
Kara Weishaar	SA
Katherine Joyce	NCASA
Elizabeth Yelverton	NCASA



# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3/12/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marge Freeman	NCAE
Richard Bostic	NCSBA
Rudel Boulton	RBlair
Matt Ellinwood	NCJC
Adam Pridemore	NCHC
Bruce Milderhoff	NCSBA
Andy Chase	KMA
S. Kouba	KMA
S. Winner	NCSBA
JASON JOYNER	NEW FRAME
Leah Sutton	Boston NC





# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3/12/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

*A. Holder*

NC SBE

*Resha Fortson*

SEAINC

*Sarah Walfe*

MWC

*Shag Perkins*

Perkins Law



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 117

Short Title: School Calendar Flexibility Pilot Program. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 21, 2019

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE SCHOOL CALENDAR FLEXIBILITY PILOT PROGRAM.

Whereas, studies show that students in high poverty areas suffer a greater degree of summer learning loss; and

Whereas, any student is prone to have poorer performance on final exams taken after an extended holiday break; and

Whereas, in 2004, the State enacted rigid regulation of school calendar start and end dates; and

Whereas, no factual data supports that later school start dates have a negative effect on North Carolina tourism; and

Whereas, over 122 schools across 31 North Carolina counties currently have year-round school calendars; and

Whereas, many students return to school in late July or early August for athletic training; and

Whereas, many high schools and middle schools have football games and other sports activities during the first weekends in August; and

Whereas, 43 House bills and 15 Senate bills sought to enact school calendar flexibility during the 2017-2018 legislative session, on behalf of 96 local boards of education in 81 counties; and

Whereas, tourism is a significant contributor to the North Carolina economy; and

Whereas, North Carolina consistently ranks as the sixth most visited state in the country; and

Whereas, the State of North Carolina consistently appropriates more than 56% of its biennium budget to education; and

Whereas, the citizens of North Carolina rightfully expect the very best return on their investment in public education, and it is imperative to factually determine what effect, if any, school calendar start dates may have on tourism; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Purpose. – The State Board of Education (State Board) shall establish a School Calendar Flexibility Pilot Program (Program). The purpose of the Program is to determine the impact of school calendar flexibility for opening and closing dates on student achievement and summer internships and to identify and quantify the communities that can support local school calendar control and those that cannot.

**SECTION 2.** Participation. – All local school administrative units in the following counties, which collectively represent the geographic, economic, and social diversity of the State,



1 are authorized to participate in the Program: Anson County, Bladen County, Cabarrus County,  
2 Caldwell County, Catawba County, Cherokee County, Cleveland County, Davidson County,  
3 Davie County, Duplin County, Graham County, Greene County, Guilford County, Martin  
4 County, McDowell County, Mitchell County, Northampton County, Robeson County,  
5 Transylvania County, Warren County, Washington County, and Wilson County.

6 Any local board of education of a local school administrative unit authorized to  
7 participate in the Program may elect not to participate. For each local school administrative unit  
8 that elects not to participate in the Program, the State Board may authorize one replacement local  
9 school administrative unit to participate in the Program. Together, the local school administrative  
10 units participating in the Program shall represent the geographic, economic, and social diversity  
11 of the State.

12 **SECTION 3. Implementation.** – Each local school administrative unit participating  
13 in the Program shall do so for three school years, beginning in either the 2019-2020 school year  
14 or the 2020-2021 school year. The State Board shall provide the Department of Commerce with  
15 a list of the participating local school administrative units no later than February 1, 2020.

16 Notwithstanding G.S. 115C-84.2(d), local boards of education of participating local  
17 school administrative units shall determine, for the duration of the Program, the dates of opening  
18 and closing the public schools under subdivision (a)(1) of G.S. 115C-84.2. Except for year-round  
19 schools, the opening date for students shall be no earlier than the Monday closest to August 10  
20 and the closing date for students shall be no later than the Friday closest to June 11. A local board  
21 may revise the scheduled closing date if necessary in order to comply with the minimum  
22 requirements for instructional days or instructional time.

23 The required opening and closing dates under this section shall not apply to any school  
24 that a local board designated as having a modified calendar for the 2003-2004 school year or to  
25 any school that was part of a planned program in the 2003-2004 school year for a system of  
26 modified calendar schools, so long as the school operates under a modified calendar.

27 **SECTION 4. Data Collection by Department of Public Instruction.** – For the duration  
28 of the Program, the Department of Public Instruction shall contact each participating local school  
29 administrative unit annually to determine (i) the actual dates for opening and closing the public  
30 schools, (ii) the impact of the Program on student achievement and summer internships, and (iii)  
31 any other information the Department deems necessary for purposes of the study. The  
32 Department of Public Instruction shall provide the Department of Commerce with the actual  
33 dates for opening and closing the public schools in each participating local school administrative  
34 unit.

35 **SECTION 5. Department of Commerce Evaluation.** – The Department of Commerce  
36 shall study the effect of the Program on the travel and tourism industry for all 100 counties of the  
37 State.

38 **SECTION 6. Reports.** – By November 15 of each year following the operation of  
39 the Program, the State Board and the Department of Commerce shall separately report to the  
40 School of Government at the University of North Carolina at Chapel Hill on the effects of the  
41 Program. The State Board shall report on (i) implementation and administration of the Program;  
42 (ii) any impact of the Program on student achievement; (iii) any effect of the Program on summer  
43 internships; and (iv) any recommendations on the modification, continuation, and potential  
44 expansion of the Program statewide. The State Board shall also recommend any local school  
45 administrative units that should be assigned calendar flexibility on an ongoing basis. The  
46 Department of Commerce shall report on any economic impact of the Program on the tourism  
47 industry in the State. The School of Government shall evaluate this information and provide an  
48 aggregated report to the Joint Legislative Education Oversight Committee by December 15 of  
49 the same year.

50 **SECTION 7.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

## HOUSE BILL 56

Short Title: Arts Education Requirement. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 13, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS  
3 EDUCATION CREDIT PRIOR TO GRADUATION FROM HIGH SCHOOL.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The State Board of Education shall modify the State graduation  
6 requirements to include one required credit in arts education to be completed by each student at  
7 any time in grades six through 12.

8 The State Board of Education shall implement this arts education graduation  
9 requirement beginning with students entering the sixth grade in 2022. The State Board shall  
10 include an exemption from the arts education graduation requirement for students transferring  
11 into a North Carolina public school beginning in the ninth grade or later, if such requirement  
12 would prevent a student from graduating with the graduation cohort to which the student was  
13 assigned when transferring.

14 **SECTION 2.** The State Board of Education shall do the following:

- 15 (1) Establish procedures and a timeline for a phased-in implementation of the arts  
16 education graduation requirement.  
17 (2) Establish the minimum criteria to meet the arts education graduation  
18 requirement.  
19 (3) By December 15, 2022, report to the Joint Legislative Education Oversight  
20 Committee on the following:  
21 a. The statewide implementation of the three interdependent components  
22 of comprehensive arts education (arts education, arts integration, and  
23 arts exposure).  
24 b. The graduation requirement set forth in this act.

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 79

Short Title: Academic Alignment/Boards of Education & CC. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 14, 2019

A BILL TO BE ENTITLED  
AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO ALIGN THEIR SCHOOL  
CALENDARS WITH LOCAL COMMUNITY COLLEGES.

Whereas, the State-mandated, late-August start date creates barriers to dual enrollment by putting high schools out of alignment with community colleges, which typically begin the first semester earlier in August and begin the second semester two or three weeks before high school students complete the fall semester; and

Whereas, academic alignment would benefit all students in local school administrative units who are enrolled in classes through a local community college by allowing them to align their fall and spring semesters with the fall and spring semesters of the local community colleges; and

Whereas, academic alignment would allow local school administrative units to work with local community colleges to meet workforce development needs more effectively by helping high school and college students develop the skills necessary for business and industry; Now, therefore,

The General Assembly of North Carolina enacts:

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

"(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall be no earlier than the Monday closest to August 26, and the closing date for students shall be no later than the Friday closest to June 11. On a showing of good cause, the State Board of Education may waive the requirement that the opening date for students be no earlier than the Monday closest to August 26 and may allow the local board of education to set an opening date no earlier than the Monday closest to August 19, to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

Notwithstanding the required opening date under this subsection, a local board of education may schedule the school opening date for any school in the local school administrative unit to no earlier than the opening date of a community college serving the county in which the school unit is located, in whole or in part.



1       The required opening and closing dates under this subsection shall not apply to any school  
2       that a local board designated as having a modified calendar for the 2003-2004 school year or to  
3       any school that was part of a planned program in the 2003-2004 school year for a system of  
4       modified calendar schools, so long as the school operates under a modified calendar."

5       **SECTION 2.** This act is effective when it becomes law and applies beginning with  
6       the 2019-2020 school year.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 117**

Short Title: School Calendar Flexibility Pilot Program. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 21, 2019

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE SCHOOL CALENDAR FLEXIBILITY PILOT PROGRAM.  
Whereas, studies show that students in high poverty areas suffer a greater degree of summer learning loss; and  
Whereas, any student is prone to have poorer performance on final exams taken after an extended holiday break; and  
Whereas, in 2004, the State enacted rigid regulation of school calendar start and end dates; and  
Whereas, no factual data supports that later school start dates have a negative effect on North Carolina tourism; and  
Whereas, over 122 schools across 31 North Carolina counties currently have year-round school calendars; and  
Whereas, many students return to school in late July or early August for athletic training; and  
Whereas, many high schools and middle schools have football games and other sports activities during the first weekends in August; and  
Whereas, 43 House bills and 15 Senate bills sought to enact school calendar flexibility during the 2017-2018 legislative session, on behalf of 96 local boards of education in 81 counties; and  
Whereas, tourism is a significant contributor to the North Carolina economy; and  
Whereas, North Carolina consistently ranks as the sixth most visited state in the country; and  
Whereas, the State of North Carolina consistently appropriates more than 56% of its biennium budget to education; and  
Whereas, the citizens of North Carolina rightfully expect the very best return on their investment in public education, and it is imperative to factually determine what effect, if any, school calendar start dates may have on tourism; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** Purpose. – The State Board of Education (State Board) shall establish a School Calendar Flexibility Pilot Program (Program). The purpose of the Program is to determine the impact of school calendar flexibility for opening and closing dates on student achievement and summer internships and to identify and quantify the communities that can support local school calendar control and those that cannot.

**SECTION 2.** Participation. – All local school administrative units in the following counties, which collectively represent the geographic, economic, and social diversity of the State,



are authorized to participate in the Program: Anson County, Bladen County, Cabarrus County, Caldwell County, Catawba County, Cherokee County, Cleveland County, Davidson County, Davie County, Duplin County, Graham County, Greene County, Guilford County, Martin County, McDowell County, Mitchell County, Northampton County, Robeson County, Transylvania County, Warren County, Washington County, and Wilson County.

Any local board of education of a local school administrative unit authorized to participate in the Program may elect not to participate. For each local school administrative unit that elects not to participate in the Program, the State Board may authorize one replacement local school administrative unit to participate in the Program. Together, the local school administrative units participating in the Program shall represent the geographic, economic, and social diversity of the State.

**SECTION 3. Implementation.** – Each local school administrative unit participating in the Program shall do so for three school years, beginning in either the 2019-2020 school year or the 2020-2021 school year. The State Board shall provide the Department of Commerce with a list of the participating local school administrative units no later than February 1, 2020.

Notwithstanding G.S. 115C-84.2(d), local boards of education of participating local school administrative units shall determine, for the duration of the Program, the dates of opening and closing the public schools under subdivision (a)(1) of G.S. 115C-84.2. Except for year-round schools, the opening date for students shall be no earlier than the Monday closest to August 10 and the closing date for students shall be no later than the Friday closest to June 11. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time.

The required opening and closing dates under this section shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

**SECTION 4. Data Collection by Department of Public Instruction.** – For the duration of the Program, the Department of Public Instruction shall contact each participating local school administrative unit annually to determine (i) the actual dates for opening and closing the public schools, (ii) the impact of the Program on student achievement and summer internships, and (iii) any other information the Department deems necessary for purposes of the study. The Department of Public Instruction shall provide the Department of Commerce with the actual dates for opening and closing the public schools in each participating local school administrative unit.

**SECTION 5. Department of Commerce Evaluation.** – The Department of Commerce shall study the effect of the Program on the travel and tourism industry for all 100 counties of the State.

**SECTION 6. Reports.** – By November 15 of each year following the operation of the Program, the State Board and the Department of Commerce shall separately report to the School of Government at the University of North Carolina at Chapel Hill on the effects of the Program. The State Board shall report on (i) implementation and administration of the Program; (ii) any impact of the Program on student achievement; (iii) any effect of the Program on summer internships; and (iv) any recommendations on the modification, continuation, and potential expansion of the Program statewide. The State Board shall also recommend any local school administrative units that should be assigned calendar flexibility on an ongoing basis. The Department of Commerce shall report on any economic impact of the Program on the tourism industry in the State. The School of Government shall evaluate this information and provide an aggregated report to the Joint Legislative Education Oversight Committee by December 15 of the same year.

**SECTION 7.** This act is effective when it becomes law.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, March 12, 2019

**TIME:** 1:00 PM

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 56</u>	Arts Education Requirement.	Representative Elmore Representative Johnson Representative Carney
<u>HB 79</u>	Academic Alignment/Boards of Education & CC.	Representative Horn Representative Johnson Representative Elmore Representative Strickland
<u>HB 117</u>	School Calendar Flexibility Pilot Program.	Representative Warren Representative Horn Representative Howard Representative Johnson

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:11 PM on Thursday, March 07, 2019.

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

Rhonda Todd (Committee Assistant)





**House Committee on Education K-12  
Tuesday, March 19, 2019 at 1:00 AM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 1:00 p.m. on March 19, 2019 in Room 643 of the Legislative Office Building. Representatives Elmore, Horn and Johnson – Co-Chairs; Representatives Blackwell and Brockman -Vice-Chairs; and Representatives Ball, Beasley, Brody, Clemmons, Corbin, Farmer-Butterfield, Fisher, Fraley, Gailliard, Gill, Graham, Iler, Lambeth, Lucas, Meyer, Potts, Riddell, Smith, Strickland, Turner and White were in attendance. Also in attendance were Representative Autry, Hurley and Riddell.

Representative Elmore, Co-Chair, called the meeting to order at 1:06 p.m. and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

Rep. Elmore made a statement at the beginning of the meeting as a follow-up to the March 12<sup>th</sup> Committee on Education K-12 that the latest start date for schools to begin would be next year, August 29<sup>th</sup>.

The following bills were considered:

**HB 200, Education Report Changes-AB,** (Primary Sponsors: Representative Hurley, Johnson, Horn and Elmore), (Attachment 5)

Rep. Elmore stated there was a **PCS, H200-CSRQ-1 [v.2]** (Attachment 6), asked if there were any objections, seeing none, the PCS was brought before the committee. Rep. Elmore recognized Rep. Hurley to explain the bill. Rep. Hurley explained it was an agency bill that was requested, the bill is an easy bill. Rep. Horn, co-sponsor, was recognized to speak. He followed-up by stating there are reporting requirements that are put onto State Board of Education and Department of Public Instruction. The bill would ensure there is an understanding between Professional Education Preparation and Standards Commissions (PEPSC), the School Board, Department of Instruction and the Superintendents of Public Instruction to advise what changes need to be made. Career and Technical Education outcomes, Cooperative Innovative High Schools and Career and College Promise reports, Education Workforce Innovation Commission and Professional Educator Preparations and Standards Commission. He added that the bill is a technical bill. Rep. Elmore recognized members for questions. Rep. Gill was recognized for a motion, she asked for a favorable report to the PCS for HB 200 and an unfavorable report to the original bill with a re-referral to House Rules. Rep. Elmore brought the motion before the members and asked for a vote, the ayes have it, the motion passed.



**HB 362, 15-Point Scale for School Performance Grades, (Primary Sponsors: Representative Horn, Harris, Elmore and Autry), (Attachment 7)**

Rep. Elmore recognized Rep. Horn and Autry to explain the bill. Rep. Horn explained the bill would put into law what the state is already doing. Our school performance grades, nothing to do with student grades or grades on report cards, it is the letter grade for the school. Put into law the 15 point scale, scoring the overall growth and performance of the school. Rep. Elmore asked if there were any questions. Rep. Beasley, Lucas, Brody, Iler, Meyer, Brockman, Blackwell, and Gill all had questions. There were concerns, questions and comments by the representatives, the grade would change individual scores for students, why is at least 40 a grade D and less than 40 an F, score seems really low, does the 15 point eliminate the 10 point scale, apply to all schools, does this scale apply to charter schools, and how does the new bill affect the schools scores now? What if we stay with the 15 spread scale and then go to 50% achievement and 50% growth what would that do for the state?

Rep. Horn and staff were able to answer questions. Rep. Elmore recognized Kevin Wilkinson, Legislative Director, Office of NC Department of Superintendent and the Department of Instruction to answer questions, he was unable to answer the questions but offered to send the committee the data.

Rep. Elmore recognized Rep. Lucas for a motion. Rep. Lucas motioned for a favorable report to the bill and a re-referral to House Rules. Rep. Elmore brought the bill before the committee and asked for a vote, the ayes have and the motion passed.

**HB 354, Modify Weighting/School Performance Grades, (Primary Sponsors: Horn, Johnson, Gill and Lucas) (Attachment 8)**

Rep. Elmore recognized Rep. Horn to explain the bill. Rep. Horn explained that the bill takes a different approach. All schools get one grade. The current weighting of our schools is 80% proficiency, 20% growth. HB 354 will modify the scores use 50% proficiency and 50% growth in the calculation of school performance scores and grades. Rep. Elmore recognized Chairman Johnson for a statement, the bills are all solutions of a problem that exist. Solutions come from different angles. She would like everyone to know, if we do not change or find a better system, all we have is low wealth schools. The question is how long is it going to take to get the schools where they need to be? Rep. Elmore recognized Rep. Lucas, who stated he is in favor of the bill, he stated that progress is our most important product for promoting children. Rep. Elmore then recognized Rep. Lambeth, who asked if the committee has reviewed what the best practice is in our nation on the topic of weighting and scoring schools. Could we replicate what other states are doing, what are other states doing? Why are we accepting lower scores? Rep. Elmore recognized Rep. Johnson for a comment that the sponsors think that 50/50 is the best method. Staff was able to explain what other methods states are using. Rep. Ball and Brody were also recognized for questions. Rep. Horn was recognized for answers. Rep. Elmore also commented. Rep. Elmore recognized Rep. Gill for a motion. Rep. Gill gave a motion for a favorable report to HB 354 and a re-referral to





House Rules. Rep. Elmore brought the motion before the committee for a vote, the ayes have it, the motion passed.

**HB 266, School Annual Report Card**, (Primary Sponsors: Rep. Riddell, Ross. Elmore and Clemmons) (Attachment 9)

Rep. Elmore stated there was a **PCS, H266-CSBE-4 [v.7]** (Attachment 10) before the committee, if there were any objections, seeing none he recognized Rep. Riddell to explain the bill. Rep. Riddell explained that this is a continuation of the previous bill. The bill would separate the school performance grades, into two items, one for achievement and one for growth based the Education Value-Added Assessment System (EVAAS). This would give parents, teacher and the public a better picture of what is taking place in schools. There would be a letter grade for each achievement and growth, equally graded. The bill has a lot of technical corrections. Rep. Elmore asked if the other sponsors wanted to speak. He recognized Rep. Clemmons. Rep. Clemmons explained that she is happy the state is making progress more accurately what is happening in our schools. There should be a grade that measures the growth and achievement and should be equal. Based on her experience in the schools as a principal, she supports such a bill stating it is good to have many options. Rep. Elmore recognized Rep. Ross. Rep. Ross commented that he and Rep. Riddell met with their School Boards, and each year the School Board has requested the separate grades. Rep. Iler, Meyer, Blackwell, and Brody all were recognized for questions and comments. Rep. Riddell, Rep. Clemmons and staff were able to answer questions and comment on concerns. Rep. Elmore recognized Kevin Wilkinson, Legislative Director, Office of NC Department of Superintendent and the Department of Instruction to comment on questions, he was unable to comment on the question but offered to send the committee the information. Rep. Elmore recognized Rep. Beasley for a motion. Rep. Beasley made a motion for a favorable report to the PCS, unfavorable to the original bill with a re-referral to House Rules. Rep. Elmore brought the motion to the committee for a vote, the ayes have it, the motion passed.

**HB 276, Modify Low-Performing School Definition** (Primary Sponsors: Representative Riddell, Fraley, Clemmons and Ross), (Attachment 11)

Rep. Elmore recognized Rep. Riddell for an explanation of the bill. Rep. Riddell explained if a school has a D or F and not have growth or met growth, the school is labeled as a low performing school. The new bill would modify the definition of low-performing schools by removing schools that "met expected growth" from the definition of low performing schools that receive a school performance grade of D or F and a school growth score of "not met expected growth". There is growth taking place. The bill will put more equity in the definition of low performing schools. Rep. Elmore asked if there were any questions, seeing none, he recognized Rep. Iler for a motion. Rep. Iler motioned for a favorable report for HB 276 and a re-referral to House Rules. Rep. Elmore brought the motion to the committee and took a vote, the ayes have it, the motion passed.



**HB 295, Prohibit Corporal Punishment in Public Schools,** (Primary Sponsors: Rep. Fisher and Johnson), (Attachment 12)

Rep. Elmore recognized Rep. Fisher to explain the bill. Rep. Fisher explained 115 school systems have banned corporal punishment. The bill will clean up the statute and prohibit punishment in all state schools. Rep. Johnson stated they started working on the bill 12 or 13 years ago. The bill has been worked on for a long time. The sponsors are looking for support for the bill. Rep. Elmore asked for questions. Rep. Elmore recognized Rep. Potts. Rep. Potts asked if the law prohibits Board of Educations from doing away with corporal punishment and bringing it back when they want. Rep. Fisher explained the bill will prohibit Corporal Punishment all together. Rep. Elmore recognized Rep. Brockman. Rep. Brockman asked if the bill affected charter schools. Rep. Fisher answered the question by saying the law would affect all public schools. Rep. Elmore recognized Rep. Farmer-Butterfield for a motion. Rep. Farmer-Butterfield motioned for a favorable report to HB 295 and a re-referral to House Rules. Rep. Elmore brought the motion before the committee and asked for a vote, the ayes have it, the motion passed.

There being no further business before the Committee, Representative Elmore adjourned the meeting at 2:08 P.M.



Respectfully submitted:



Representative Jeffrey Elmore, Co-Chair



Linda M. Stevenson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. HB 200 and Summary
6. PCS H200-CSRQ-1 [v.2]
7. HB 362 and Summary
8. HB 354 and Summary
9. HB 266 and Summary
10. PCS H266-CSBE-4 [v.7]
11. HB 276 and Summary
12. HB 295 and Summary



**House Committee on Education - K-12**  
**Tuesday, March 19, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**  
Representative Elmore – Co-Chair

**Introduction of Pages**

**Bills**

	<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
⑭ PCS	HB 266	School Annual Report Card.	Representative Riddell Representative Ross Representative Elmore Representative Clemmons
⑤	HB 276	Modify Low-Performing School Definition.	Representative Riddell Representative Fraley Representative Clemmons Representative Ross
	HB 354	Modify Weighting/School Performance Grades.	Representative Horn Representative Johnson Representative Gill Representative Lucas
① PCS	HB 200	Education Report Changes.-AB	Representative Hurley Representative Johnson Representative Horn Representative Elmore
⑥	HB 295	Prohibit Corporal Punishment in Public Schs.	Representative Fisher Representative Johnson
②	HB 362	15-Point Scale For School Performance Grades.	Representative Horn Representative Harris Representative Elmore Representative Autry

**Presentations**

**Other Business**

**Adjournment**





# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	3/19/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	✓																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	-																		
Rep. Cody Henson	-																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	✓																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		
Rep. Larry Potts	✓																		



DATES	3/19/10																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Rena Turner	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	

Rep. Hurley ✓

Rep. Riddell ✓

Rep. Sutry ✓



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 200**

**Education Report Changes.-AB**

**Draft Number: H200-PCS30189-RQ-1**

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

**Recommended Referral: None**

**Long Title Amended: Yes**

**Floor Manager: Hurley**

**TOTAL REPORTED: 1**



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



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 266**

**School Annual Report Card.**

**Draft Number: H266-PCS30192-BE-4**

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

**Recommended Referral: None**

**Long Title Amended: Yes**

**Floor Manager: Riddell**

**TOTAL REPORTED: 1**



**\* C M R 1 2 6 - V - 1 \***





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

HB 276	Modify Low-Performing School Definition.
	Draft Number: None
	Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Riddell
HB 295	Prohibit Corporal Punishment in Public Schs.
	Draft Number: None
	Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Fisher
HB 354	Modify Weighting/School Performance Grades.
	Draft Number: None
	Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Horn
HB 362	15-Point Scale For School Performance Grades.
	Draft Number: None
	Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Horn

TOTAL REPORTED: 4





Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education - K - 12

DATE: 3-19-19 Room: 643 LOB

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Marvin Lee
3. Name: Glen Wall
4. Name:
5. Name:

Senate Sgt-At Arms:

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



**House Pages  
Assignments  
Tuesday, March 19, 2019  
Session: 4:45 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Rules, Calendar, and Operations of the House	1228/1327	12:00 PM	Katherine Hampton		Rep. Kyle Hall
Education - K-12	643	1:00 PM	Martin Hamilton		Rep. Allison Dahle
			Mary Watkins		Rep. Jean Farmer- Butterfield
			Timothy White		Rep. Kyle Hall
Wildlife Resources	1228/1327	2:00 PM	Taylor Fulk		Speaker Moore



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-19-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jere Raygall	NCFPC
Shirley Harmon	NC DTSEA
Kay Castillo	NASW-NC
Flint Benson	SEANC
Resha Fortson	SEANC
Rhaegan Jackson	FPA
Ed Dennison	Mecklenburg County Schools BOE NC SBA BOB
Linda Nelson	NCAIS
[Signature]	[Signature]
April Neumann	MHC
W. Gardner Culp	PPAB





## House Committee on Education - K - 12

Name of Committee

Date \_\_\_\_\_

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Leah Baidasare

Duke Student-MPP, class visit

Chick

SBZ DPT

Leah Sutton

Best NC

Amber Harris

NO 7 C

Ross Barnhardt

NP

Andrew Meehan

NC Channel



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-19-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

JASON JOYNER	New FRAME
Katherine Joyce	NCASA
Elizabeth Yelverton	NCASA
Bruce Milder	NCSBA
Matt Ellinwood	NCJC
Lee T. Ingram	TAG
Richard Bostic	NCSBA
Amanda Falkenberg	JDA
Kevin Wilkinson	NC DPI
Zoe Stinson	TAG
Tom VITALLONE	NC CHILD



## House Committee on Education - K - 12

Name of Committee

Date \_\_\_\_\_

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Maye Forman  
T. J. 2nd

WHE

MWC

Tyler Ford

MWC

Blair

868

Walter H. S.

SGS





# HOUSE BILL 200: Various Education Changes.

PASS

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Reps. Hurley, Johnson, Horn, Elmore	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition H200-CSRQ-1		Committee Counsel

**OVERVIEW:** House Bill 200 modifies reporting dates for various education reports and combines various education reports as recommended by the State Board of Education (SBE), the Department of Public Instruction (DPI), and the State Superintendent of Public Instruction. The Proposed Committee Substitute (PCS) combines certain education reports and makes changes to the membership of the Education Workforce Innovation Commission and staggers terms for the Professional Education Preparation and Standards Commission (PEPSC) as recommended by the SBE, DPI, and the State Superintendent of Public Instruction.

## **SECTION 1: Combine Reports for Career and Technical Education Outcomes**

**CURRENT LAW:** The SBE must report annually to the Joint Legislative Education Oversight Committee (JLEOC) on the number of students in career and technical education courses who earned community college credit and related industry certifications and credentials. The SBE must also report annually to JLEOC on the impact of awarding college and career endorsements on high school graduation, college acceptance and remediation, and post-high school employment rates.

**BILL ANALYSIS:** Section 1 of the PCS would allow the SBE to combine the report on career and technical education courses with the report on the college and career endorsements on the high school diploma.

## **SECTION 2: Joint Submission of Cooperative Innovative High Schools and Career and College Promise Reports**

**CURRENT LAW:** A report evaluating the success of students in cooperative innovative high schools must be submitted annually to JLEOC. In addition, a report evaluating the success of students participating in the Career and College Promise Program must be submitted annually to JLEOC.

**BILL ANALYSIS:** Section 2 of the PCS would clarify that the these two reports may be submitted jointly.

## **SECTION 3: Education Workforce Innovation Commission**

**CURRENT LAW:** The Education Workforce Innovation Commission has 14 members including the Secretary of Commerce, the State Superintendent of Public Instruction, the Chair of the SBE, and the President of the North Carolina Community College System.

**BILL ANALYSIS:** Section 3 of the PCS would allow the above members to have their designees as members of the Education Workforce Innovation Commission.

Karen Cochrane-Brown  
Director



H 2 0 0 - S M R Q - 4 C S R Q - 1 - V - 1

Legislative Analysis  
Division  
919-733-2578

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

# House PCS 200

*Page 2*

## **SECTION 4: Professional Educator Preparations and Standards Commission**

**CURRENT LAW:** The members of PEPSC serve for two year terms with the PEPSC first being appointed with terms beginning September 1, 2017.

**BILL ANALYSIS:** Section 4 of the PCS changes the initial term for some of the members from two years to three years in order to create a stagger on the board. As the initial terms expire, the new appointments would return to two year terms for everyone.

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 200  
PROPOSED COMMITTEE SUBSTITUTE H200-CSRQ-1 [v.2]

03/14/2019 12:01:57 PM

Short Title: Various Education Changes.

(Public)

Sponsors:

Referred to:

February 27, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS AND COMBINE  
3 CERTAIN EDUCATION REPORTS, AS RECOMMENDED BY THE STATE BOARD OF  
4 EDUCATION, THE DEPARTMENT OF PUBLIC INSTRUCTION, AND THE STATE  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** G.S. 115C-156.2(b) reads as rewritten:

8 "(b) Beginning in ~~2017, 2019~~, the State Board of Education shall report to the Joint  
9 Legislative Education Oversight Committee by November 15 of each year on the following  
10 information:

11 (1) The number of students in career and technical education courses who earned  
12 (i) community college credit and (ii) related industry certifications and  
13 credentials.

14 (2) Implementation of high school diploma endorsements, including adding (i)  
15 college, (ii) career, and (iii) college and career endorsements to high school  
16 diplomas, through evaluation of at least the following data:

17 a. Impact on the rates of high school graduation, college acceptance and  
18 remediation, and post-high school employment.

19 b. Beginning with the 2019-2020 school year, the number of students  
20 who had to retake a nationally norm-referenced college admissions test  
21 to meet the reading benchmark score required by G.S. 115C-12(40) to  
22 receive a high school diploma endorsement and the number of students  
23 who were not awarded a high school diploma endorsement solely  
24 because of the inability to meet the benchmark score for reading  
25 required by G.S. 115C-12(40)."

26 **SECTION 1.(b)** Section 1(b) of S.L. 2013-1, as amended by Section 16.1 of S.L.  
27 2013-410, Section 89 of S.L. 2014-115, and Section 48(d) of S.L. 2017-102, reads as rewritten:

28 "SECTION 1.(b) The State Board of Education shall make high school diploma  
29 endorsements, as provided under this section, available to students graduating from high school  
30 beginning with the 2014-2015 school year. The State Board of Education shall report to the Joint  
31 Legislative Education Oversight Committee on the progress toward establishing specific college  
32 and career endorsements for high school diplomas and for awarding these endorsements by  
33 February 1, 2014. ~~The State Board of Education shall submit the report on the impact of awarding~~  
34 ~~the high school endorsements on high school graduation, college acceptance and remediation,~~  
35 ~~and post-high school employment rates by November 15, 2016, and annually thereafter."~~

36 **SECTION 1.(c)** G.S. 115C-12(40) reads as rewritten:



"(40) To Establish High School Diploma Endorsements. – The State Board of Education shall establish, implement, and determine the impact of adding (i) college, (ii) career, and (iii) college and career endorsements to high school diplomas to encourage students to obtain requisite job skills necessary for students to be successful in a wide range of high-quality careers and to reduce the need for remedial education in institutions of higher education. These endorsements shall reflect courses completed, overall grade point average, reading achievement, and other criteria as developed by the State Board of Education. A student shall only receive a high school diploma endorsement if that student receives on a nationally norm-referenced college admissions test for reading, either administered under G.S. 115C-174.11(c)(4) or as an alternative nationally norm-referenced college admissions test approved by the State Board, at least the benchmark score established by the testing organization that represents the level of achievement required for students to have approximately a fifty percent (50%) chance of obtaining a grade B or higher or a seventy-five percent (75%) chance of obtaining a grade C or higher in a corresponding credit-bearing, first-year college course. A student may retake a nationally norm-referenced test as many times as necessary to achieve the required benchmark score for reading in order to receive a high school diploma endorsement prior to the student's graduation. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on ~~(i) the impact of awarding these endorsements on high school graduation, college acceptance and remediation, and post high school employment rates; (ii) the number of students who had to retake a nationally norm-referenced college admissions test to meet the reading benchmark score required by this subdivision to receive a high school diploma endorsement; and (iii) the number of students who were not awarded a high school diploma endorsement solely because of the inability to meet the benchmark score for reading as required by this subdivision.~~ high school diploma endorsements in accordance with G.S. 115C-156.2."

SECTION 2.(a) G.S. 115C-238.55 reads as rewritten:

**"§ 115C-238.55. Evaluation of cooperative innovative high schools.**

The State Board of Education and the governing Boards shall evaluate the success of students in cooperative innovative high schools approved under this Part. Success shall be measured by high school retention rates, high school completion rates, high school dropout rates, certification and associate degree completion, admission to four-year institutions, postgraduation employment in career or study-related fields, and employer satisfaction of employees who participated in and graduated from the schools. The Boards shall jointly report by March 15 of each year to the Joint Legislative Education Oversight Committee on the evaluation of these schools. The report may be submitted jointly with the evaluation of the Career and College Promise Program required by G.S. 115D-5(x)."

SECTION 2.(b) G.S. 115D-5(x) reads as rewritten:

"(x) In addition to the evaluation of cooperative innovative high schools by the State Board of Education pursuant to G.S. 115C-238.55, the State Board of Community Colleges, in conjunction with the State Board of Education and the Board of Governors of The University of North Carolina, shall evaluate the success of students participating in the Career and College Promise Program, including the College Transfer pathway and the Career and Technical Education pathway. Success shall be measured by high school retention rates, high school completion rates, high school dropout rates, certification and associate degree completion, admission to four-year institutions, postgraduation employment in career or study-related fields, and employer satisfaction of employees who participated in the programs. The Boards shall

jointly report by March 15 of each year to the Joint Legislative Education Oversight Committee.  
The report may be submitted jointly with the evaluation of cooperative innovative high schools required by G.S. 115C-238.55."

**SECTION 3.** G.S. 115C-64.15(b) reads as rewritten:

"(b) The Commission shall consist of the following 14 members:

- (1) The Secretary of ~~Commerce~~Commerce or his or her designee.
- (2) The State Superintendent of Public ~~Instruction~~Instruction or his or her designee.
- (3) The Chair of the State Board of ~~Education~~Education or his or her designee.
- (4) The President of The University of North ~~Carolina~~Carolina or his or her designee.
- (5) The President of the North Carolina Community College ~~System~~System or his or her designee.
- (6) Three members appointed by the Governor who have experience in education.
- (7) Three members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121, who have experience in businesses operating in North Carolina.
- (8) Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121, who have experience in businesses operating in North Carolina."

**SECTION 4.(a)** G.S. 115C-268.1 reads as rewritten:

**"§ 115C-268.1. Professional Educator Preparation and Standards Commission.**

...  
(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 postsecondary educational institution in North Carolina.
  - e. One dean, or dean's designee, of an educator preparation program at a historically black college or university in North Carolina.
  - f. One teacher.
  - g. One personnel administrator from a local school administrative unit in North Carolina with at least 30,000 students.
  - 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 postsecondary educational institution in North Carolina.
  - e. One teacher.
  - f. One personnel administrator from a local school administrative unit in North Carolina with less than 30,000 students.
  - g. One member of the State Advisory Council on Indian Education.

- h. One at-large member.
- (3) The State Teacher of the Year.
- (4) The Superintendent of Public Instruction or his or her designee.

...

(c1) Appointments and Vacancies. – In making appointments, appointments to the Commission, 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. ~~Appointed members shall serve for two-year terms.~~ Initial terms shall begin September 1, ~~2017-2017~~, and shall be appointed as follows:

- (1) The members appointed pursuant to sub-subdivisions c., e., g., and h. of subdivision (1) of this subsection and sub-subdivisions a., b., d., and e. of subdivision (2) of this subsection shall serve two-year terms expiring August 31, 2019.
- (2) The members appointed pursuant to sub-subdivisions a., b., d., and f. of subdivision (1) of this subsection and sub-subdivisions c., f., g., and h. of subdivision (2) of this subsection shall serve three-year terms expiring August 31, 2020.

As the initial terms expire for members appointed as provided in this subsection, members shall be appointed to those seats to serve for two-year terms. 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.

...."

**SECTION 4.(b)** Notwithstanding any provision of S.L. 2017-207 to the contrary, subsection (a) of this section applies to appointed members currently serving their terms on the Professional Educator Preparation and Standards Commission.

**SECTION 5.** Except as otherwise provided, this act is effective when it becomes law.



# HOUSE BILL 362: 15-Point Scale For School Performance Grades.

PASS

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Reps. Horn, Harris, Elmore, Autry	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** House Bill 362 would permanently change the scale for the determination of school performance grades to a 15 point scale.

[As introduced, this bill was identical to H145, as introduced by Reps. Harris, Autry, Lofton, Clark, which is currently in House Education - K-12.]

**CURRENT LAW:** In general, school performance scores are calculated by adding the school achievement score and the school growth score and then converting the score to a 100-point scale. A-F school performance grades are assigned a corresponding letter grade based on a ten-point grading scale, as follows:

- A school performance score of at least 90 is a school performance grade of A.
- A school performance score of at least 80 is a school performance grade of B.
- A school performance score of at least 70 is a school performance grade of C.
- A school performance score of at least 60 is a school performance grade of D.
- A school performance score of less than 60 is a school performance grade of F.

S.L. 2014-5 changed the scale for calculating A-F school performance grades from a ten-point scale to a 15-point scale for the 2013-2014 school year only, as follows:

- A school performance score of at least 85 is a school performance grade of A.
- A school performance score of at least 70 is a school performance grade of B.
- A school performance score of at least 55 is a school performance grade of C.
- A school performance score of at least 40 is a school performance grade of D.
- A school performance score of less than 40 is a school performance grade of F.

S.L. 2015-17 extended the use of the 15-point scale for assignment of A-F school performance grades for the 2014-2015 and 2015-2016 school years. Section 8.19 of S.L. 2016-94 further extended the use of the 15-point scale for assignment of A-F school performance grades for the 2016-2017, 2017-2018, and 2018-2019 school years.

**BILL ANALYSIS:** House Bill would permanently change the scale to a 15-point scale for assignment of A-F school performance grades.

**EFFECTIVE DATE:** The bill would become effective when it becomes law and apply beginning with the 2019-2020 school year.

**BACKGROUND:** The State Board of Education (SBE) must award school achievement, growth, and performance scores and an associated A-F performance grade for every school.

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.



GENERAL ASSEMBLY OF NORTH CAROLINA  
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HOUSE BILL 362

Short Title: 15-Point Scale For School Performance Grades. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 18, 2019

A BILL TO BE ENTITLED  
AN ACT TO ADOPT A FIFTEEN-POINT SCALE IN THE DETERMINATION OF SCHOOL  
PERFORMANCE GRADES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-83.15(d) reads as rewritten:

"(d) Calculation of the Overall School Performance Scores and Grades. – The State Board of Education shall calculate the overall school performance score by adding the school achievement score, as provided in subsection (b) of this section, and the school growth score, as determined using EVAAS as provided in subsection (c) of this section, earned by a school. The school achievement score shall account for eighty percent (80%), and the school growth score shall account for twenty percent (20%) of the total sum. For all schools, the total school performance score shall be converted to a 100-point scale and used to determine an overall school performance grade. The overall school performance grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

- (1) A school performance score of at least ~~90~~85 is equivalent to an overall school performance grade of A.
- (2) A school performance score of at least ~~80~~70 is equivalent to an overall school performance grade of B.
- (3) A school performance score of at least ~~70~~55 is equivalent to an overall school performance grade of C.
- (4) A school performance score of at least ~~60~~40 is equivalent to an overall school performance grade of D.
- (5) A school performance score of less than ~~60 points~~40 is equivalent to an overall school performance grade of F."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year.









## HOUSE BILL 354: Modify Weighting/School Performance Grades.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Reps. Horn, Johnson, Gill, Lucas	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 354 would modify the weighting of the school achievement score and the school growth score in the calculation of school performance scores and grades.*

**CURRENT LAW:** Under G.S. 115C-83.15, all schools in North Carolina are awarded a school performance score (0-100) and grade (A-F) based on school achievement and growth scores. The performance score is equal to the sum of 80% of the school achievement score and 20% of the school growth score. The school achievement score is made up of several factors, including: student performance on annual subject-specific assessments, college and workplace readiness measures, and graduation rates. The school growth score is calculated using the Education Value-Added Assessment System (EVAAS) to determine how much students have improved throughout the school year on certain school achievement factors.

**BILL ANALYSIS:** House Bill 354 would provide that school achievement scores and school growth scores each account for 50% of the school's overall performance score and grade.

**EFFECTIVE DATE:** House Bill 354 would be effective when it becomes law and would apply beginning with the 2019-2020 school year.

*\*Drupti Chauhan, Committee Counsel, substantially contributed to this summary.*

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.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

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HOUSE BILL 354

Short Title: Modify Weighting/School Performance Grades. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 14, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE WEIGHTING OF THE SCHOOL ACHIEVEMENT SCORE AND  
THE SCHOOL GROWTH SCORE IN THE CALCULATION OF SCHOOL  
PERFORMANCE SCORES AND GRADES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-83.15(d) reads as rewritten:

"(d) Calculation of the Overall School Performance Scores and Grades. – The State Board of Education shall calculate the overall school performance score by adding the school achievement score, as provided in subsection (b) of this section, and the school growth score, as determined using EVAAS as provided in subsection (c) of this section, earned by a school. The school achievement score shall account for ~~eighty percent (80%)~~, ~~fifty percent (50%)~~, and the school growth score shall account for ~~twenty percent (20%)~~ ~~fifty percent (50%)~~ of the total sum. For all schools, the total school performance score shall be converted to a 100-point scale and used to determine an overall school performance grade. The overall school performance grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

- (1) A school performance score of at least 90 is equivalent to an overall school performance grade of A.
- (2) A school performance score of at least 80 is equivalent to an overall school performance grade of B.
- (3) A school performance score of at least 70 is equivalent to an overall school performance grade of C.
- (4) A school performance score of at least 60 is equivalent to an overall school performance grade of D.
- (5) A school performance score of less than 60 points is equivalent to an overall school performance grade of F."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year.







## HOUSE BILL 266: School Annual Report Card.

*Pass*

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Reps. Riddell, Ross, Elmore, Clemmons	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H266-CSBE-4		Staff Attorney

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**OVERVIEW:** *House Bill 266 would modify the school performance grades to provide that all schools receive a performance grade for achievement and a performance grade for growth. The PCS would do the following:*

- Create a separate grading scale for achievement and growth grades.
- Delay effective date until January 1, 2020, and delay application until the 2019-2020 school year.
- Utilize the overall performance score and grade for the purpose of complying with federal law only.
- Make other technical changes.

**CURRENT LAW:** Under G.S. 115C-83.15, all schools in North Carolina are awarded a school performance score (0-100) and grade (A-F) based on school achievement and growth scores. The performance score is equal to the sum of 80% of the school achievement score and 20% of the school growth score. The school achievement score is made up of several factors, including: student performance on annual subject-specific assessments, college and workplace readiness measures, and graduation rates. The school growth score is calculated using the Education Value-Added Assessment System (EVAAS) to determine how much students have improved throughout the school year on the school achievement factors. Once an overall performance score is determined, it is converted to an A-F letter grade. Under Sec. 8.19 of S.L. 2016-94, for 2018-2019 school performance grades, the letter grades are based on a 15-point scale as follows:

- A score of at least 85 would be a grade of A.
- A score of at least 70 would be a grade of B.
- A score of at least 55 would be a grade of C.
- A score of at least 40 would be a grade of D.
- A score of less than 40 would be a grade of F.

Under G.S. 115C-83.16, the State Board of Education, which is required to have an accountability system consistent with the Every Student Succeeds Act (ESSA) to receive federal funds, must use the school performance grade as its annual differentiator between schools.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 266

Page 2

**BILL ANALYSIS:** The PCS to House Bill 266 would require all schools to receive a score and grade for achievement and a separate score and grade for growth, instead of combining the two into one summative measure. The PCS would also establish in statute the 15-point grading scale for the school achievement grade, and it would establish a 10-point grading scale for the school growth grade as follows:

- A score of at least 90 would be a growth grade of A.
- A score of at least 80 would be a growth grade of B.
- A score of at least 70 would be a growth grade of C.
- A score of at least 60 would be a growth grade of D.
- A score of less than 60 would be a growth grade of F.

**EFFECTIVE DATE:** House Bill 266 would be effective January 1, 2020, and would apply to school performance grades and report cards issued based on data from the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 266  
PROPOSED COMMITTEE SUBSTITUTE H266-CSBE-4 [v.7]  
03/18/2019 05:37:03 PM

Short Title: School Annual Report Card.

(Public)

Sponsors:

Referred to:

March 5, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY SCHOOL PERFORMANCE GRADES TO PROVIDE THAT ALL  
3 SCHOOLS RECEIVE A GRADE FOR SCHOOL ACHIEVEMENT AND A GRADE FOR  
4 SCHOOL GROWTH.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. ESTABLISH SEPARATE ACHIEVEMENT AND GROWTH GRADES**

8 **SECTION 1.1.** G.S. 115C-12(9) reads as rewritten:

9 "(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by  
10 the State Board of Education shall be in conformity with the Constitution and  
11 subject to such laws as may be enacted from time to time by the General  
12 Assembly. Among such duties are:

13 ...

14 c1. To issue an annual "report card" for the State and for each local school  
15 administrative unit, assessing each unit's efforts to improve student  
16 performance based on the growth in performance of the students in  
17 each school and taking into account progress over the previous years'  
18 level of performance and the State's performance in comparison with  
19 other states. This assessment shall take into account factors that have  
20 been shown to affect student performance and that the State Board  
21 considers relevant to assess the State's efforts to improve student  
22 performance. The annual "report card" for each local school  
23 administrative unit shall include the following:

- 24 1. The State Board shall award, in accordance with  
25 G.S. 115C-83.15, an overall numerical school achievement,  
26 growth, and achievement and school growth performance  
27 score scores on a scale of zero to 100 and a separate  
28 corresponding school achievement and school  
29 growth performance letter grade grades of A, B, C, D, or F  
30 earned by each school within the local school administrative  
31 unit. The school achievement and growth performance score  
32 and grade scores and grades shall reflect the measures required  
33 for achievement and growth, respectively, by G.S. 115C-  
34 83.15, in measures such as student performance on annual  
35 subject-specific assessments, college and workplace readiness  
36 measures, graduation rates, and student progress in achieving



English language proficiency. In addition, the State Board shall award separate ~~performance~~ scores and grades for the following:

- I. School achievement and school growth performance of certain subgroups of students as provided in G.S. 115C-83.15.
- II. For schools serving students in any grade from kindergarten to eighth grade, school achievement and school growth performance in reading and mathematics respectively.

...."

**SECTION 1.2.** G.S. 115C-47(58) reads as rewritten:

"(58) To Inform the Public About the North Carolina School Report Cards Issued by the State Board of Education. – Each local board of education shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. Each local board of education shall ensure that the ~~overall-school performance score~~ achievement and growth scores and grade-grades earned by each school in the local school administrative unit for the current and previous four school years ~~is~~ are prominently displayed on the Web site of the local school administrative unit. If any school in the local school administrative unit earned ~~an overall-a~~ school achievement or growth performance grade of D or F, the local board of education shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school."

**SECTION 1.3.** G.S. 115C-83.15 reads as rewritten:

"§ 115C-83.15. School ~~achievement, achievement scores, growth, growth scores, performance scores, and grades.~~

(a) School Scores and Grades. – The State Board of Education shall award school ~~achievement, growth, and performance~~ achievement and school growth scores and ~~an associated performance grade-grades~~ as required by G.S. 115C-12(9)c1., and calculated as provided in this section.

...  
(b1) Calculation of School Achievement Grades. – For all schools, the score for school achievement, as provided in subsection (b) of this section, shall be used to determine the school achievement grade. The school achievement grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

- (1) A score of at least 85 is equivalent to a school achievement grade of A.
- (2) A score of at least 70 is equivalent to a school achievement grade of B.
- (3) A score of at least 55 is equivalent to a school achievement grade of C.
- (4) A score of at least 40 is equivalent to a school achievement grade of D.
- (5) A score of less than 40 is equivalent to a school achievement grade of F.

(c) Calculation of the School Growth Score. – Using the Education Value-Added Assessment System (EVAAS), the State Board shall calculate the overall growth score earned by schools. In calculating the total growth score earned by schools, the State Board of Education shall weight student growth on the achievement measures as provided in subsection (b) of this section that have available growth values; provided that for schools serving students in grades nine through 12, the growth score shall only include growth values for measures calculated under sub-subdivisions a. and b. of subdivision (2) of subsection (b) of this section. The numerical values used to determine whether a school has met, exceeded, or has not met expected growth



shall be translated to a 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

(c1) Calculation of School Growth Grades. – For all schools, the score for school growth, as provided in subsection (c) of this section, shall be converted by the State Board of Education to a 100-point scale and used to determine the school growth grade. The school growth grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

(1) A score of at least 90 is equivalent to a school growth grade of A.

(2) A score of at least 80 is equivalent to a school growth grade of B.

(3) A score of at least 70 is equivalent to a school growth grade of C.

(4) A score of at least 60 is equivalent to a school growth grade of D.

(5) A score of less than 60 is equivalent to a school growth grade of F.

(d) ~~Calculation of the Overall School Performance Scores and Grades.~~ – The State Board of Education shall calculate the overall school performance score by adding the school achievement score, as provided in subsection (b) of this section, and the school growth score, as determined using EVAAS as provided in subsection (c) of this section, earned by a school. The school achievement score shall account for eighty percent (80%), and the school growth score shall account for twenty percent (20%) of the total sum. For all schools, the total school performance score shall be converted to a 100-point scale and used to determine an overall school performance grade. The overall school performance grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

(1) ~~A school performance score of at least 90 is equivalent to an overall school performance grade of A.~~

(2) ~~A school performance score of at least 80 is equivalent to an overall school performance grade of B.~~

(3) ~~A school performance score of at least 70 is equivalent to an overall school performance grade of C.~~

(4) ~~A school performance score of at least 60 is equivalent to an overall school performance grade of D.~~

(5) ~~A school performance score of less than 60 points is equivalent to an overall school performance grade of F.~~

(d1) Establishment of Subgroups of Students. – The State Board shall establish the minimum number of students in a subgroup served by a school that is necessary to disaggregate information on student performance and to determine a subgroup performance score achievement and subgroup growth scores and grade associated grades for the following subgroups of students:

(1) Economically disadvantaged students.

(2) Students from major racial and ethnic groups.

(3) Children with disabilities.

(4) English learners.

(d2) Calculation of the School Achievement and School Growth Scores and Corresponding Performance Scores and Grades for Certain Subgroups of Students Served by a School. – In addition to the overall school performance achievement and school growth scores and corresponding grades awarded under subsections (b) through (c1) of this section, for each school that serves a minimum number of students in a subgroup of students listed in subsection (d1) of this section, the State Board of Education shall calculate school performance achievement and school growth scores and shall determine a corresponding school performance grade grades for each subgroup using the same method as set forth in subsection (d) subsections (b) through (c1) of this section. School performance achievement and school growth scores for subgroups of students shall not be included in the calculation of the overall school performance achievement

1 and school growth scores and corresponding grades under ~~subsection (d)~~ subsections (b) through  
2 (c1) of this section.

3 (d3) Report of Subgroup School Achievement and School Growth Scores and  
4 Corresponding Performance Scores and Grades. – The subgroup ~~performance~~ school  
5 achievement and school growth scores and associated grades shall be reported separately on the  
6 annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and  
7 116-239.8 in a way that provides the following information:

- 8 (1) For the current year and the previous two years, the achievement score for  
9 each subgroup of students defined in subsection (d1) of this section for the  
10 school.
- 11 (2) The statewide average achievement score for each subgroup defined in  
12 subsection (d1) of this section.
- 13 (3) The difference between the achievement score for all students in the school  
14 and the achievement score for each subgroup that meets the minimum number  
15 of students defined in subsection (d1) of this section.
- 16 (4) Based on the information reported in subdivision (3) of this subsection, the  
17 State Board shall determine and identify schools that are closing achievement  
18 gaps, experiencing a widening of gaps, or seeing no significant gap changes.

19 ...

20 (f) Indication of Growth. – In addition to awarding the ~~overall~~ school scores for  
21 ~~achievement, growth, and performance and the performance grade, achievement and growth and~~  
22 associated grades, using EVAAS, the State Board shall designate that a school has met, exceeded,  
23 or has not met expected growth. The designation of student growth shall be clearly displayed in  
24 the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66,  
25 and 116-239.8.

26 (g) Access to Annual Report Card Information on the Department's Web Site. –  
27 Beginning with data collected in the 2017-2018 school year, the State Board of Education shall  
28 provide user-friendly access to the public on the annual report cards issued for local school  
29 administrative units and individual schools provided under G.S. 115C-12(9)c1., 115C-218.65,  
30 115C-238.66, and 116-239.8 through the Department of Public Instruction's Web site. The annual  
31 report card shall be designed and organized to display the following information more  
32 prominently than any other information:

- 33 (1) A summary for each local school administrative unit and for each individual  
34 school of the school ~~performance~~ achievement and growth grades, whether  
35 the school has met, exceeded, or has not met expected growth, and any other  
36 information required to be provided as part of the annual report card.
- 37 (2) The percentage of schools receiving ~~an overall~~ a school achievement  
38 ~~performance~~ letter grade of A, B, C, D, or F earned by each school located  
39 within a local school administrative unit and statewide.
- 40 (2a) The percentage of schools receiving a school growth letter grade of A, B, C,  
41 D, or F earned by each school located within a local school administrative unit  
42 and statewide.
- 43 (3) The number and percentage of schools that have met, exceeded, or have not  
44 met expected growth by each school located within a local school  
45 administrative unit and statewide.
- 46 (4) A Web page for each individual school that prominently displays the school's  
47 ~~performance~~ achievement and growth grades, whether the school has met,  
48 exceeded, or has not met expected growth, and the school's ~~performance~~  
49 achievement and growth scores in a way that is easy for the user to read.
- 50 (5) The ability to easily compare annual report card information, including school  
51 ~~performance~~ achievement and growth grades and whether schools have met,

exceeded, or have not met expected growth, for local school administrative units and for individual schools for a time span of at least three years."

**SECTION 1.4.** G.S. 115C-83.17 reads as rewritten:

**"§ 115C-83.17. Definitions.**

The following definitions apply in this Part:

- (1) Achievement score. – A numerical score ~~on a scale of zero to 100~~ that is based on the sum of points earned by a school or by a subgroup of students pursuant to G.S. 115C-83.15.
- (2) Growth score. – A numerical score measuring student growth calculated for a school or for a subgroup of students pursuant to G.S. 115C-83.15.
- (3) ~~Overall school School performance grade. grades.~~ – The letter ~~grade grades~~ earned by a school for achievement and growth for all students served by a school pursuant to G.S. 115C-83.15(d), G.S. 115C-83.15(b1) and (c1).
- (4) ~~Overall school School performance score. scores.~~ – The numerical ~~score scores~~ earned by a school that is calculated by adding the school achievement score and the school growth score earned by a school for achievement and growth pursuant to G.S. 115C-83.15(d), G.S. 115C-83.15(b) and (c).
- (5) ~~Subgroup performance grade. grades.~~ – The letter ~~grade grades~~ earned by a school for achievement and growth for a subgroup of students served by the school pursuant to G.S. 115C-83.15(d2).
- (6) ~~Subgroup performance score. scores.~~ – The numerical ~~score scores~~ earned by a school that is calculated by adding the for subgroup achievement score and the subgroup growth score earned by a school that are converted to a 100-point scale pursuant to G.S. 115C-83.15(d2)."

**PART II. CONFORMING CHANGES**

**SECTION 2.1.** G.S. 115C-75.5(5) reads as rewritten:

- "(5) Qualifying school. – A low-performing school, as defined in G.S. 115C-105.37, that meets one of the following criteria:
- a. The school earned ~~an overall a school achievement performance score~~ in the lowest five percent (5%) of all schools in the prior school year that meet all of the following requirements:
    1. The school includes all or part of grades kindergarten through fifth.
    2. The school did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years.
    3. One of the models established in G.S. 115C-105.37B for continually low-performing schools had not been adopted for that school for the immediately prior school year."

**SECTION 2.2.** G.S. 115C-83.16 reads as rewritten:

**"§ 115C-83.16. School performance indicators for the purpose of compliance with federal law.**

(a) The State Board of Education shall use the school ~~performance achievement and growth scores and grades as calculated required~~ under G.S. 115C-83.15 to satisfy the federal requirement under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), P.L. 114-95, to meaningfully differentiate the performance of schools on an annual basis. For the purpose of compliance with federal law, the State Board of Education shall calculate the overall school performance score by adding the school achievement score and the school growth score earned by a school. The school achievement score

1 shall account for eighty percent (80%), and the school growth score shall account for twenty  
2 percent (20%) of the total sum. Additionally, the indicators shall be defined as follows:

3 ...

4 (b) Notwithstanding subsection (a) of this section and only for the purpose of conforming  
5 with ESSA, the State Board may label measures as indicators different from those described in  
6 subsection (a) of this section; ~~provided that each measure shall be calculated in accordance with~~  
7 ~~the requirements of G.S. 115C-83.15 section.~~

8 **SECTION 2.3.** G.S. 115C-105.37 reads as rewritten:

9 **"§ 115C-105.37. Identification of low-performing schools.**

10 (a) Identification of Low-Performing Schools. – The State Board of Education shall  
11 identify low-performing schools on an annual basis. Low-performing schools are those that earn  
12 ~~an overall a school achievement performance~~ grade of D or F and a school growth score of "met  
13 expected growth" or "not met expected growth" as defined by G.S. 115C-83.15.

14 (a1) Plan for Improvement of Low-Performing Schools. – If a school has been identified  
15 as low-performing as provided in this section and the school is not located in a local school  
16 administrative unit identified as low-performing under G.S. 115C-105.39A, the following  
17 actions shall be taken:

18 (1) The superintendent shall proceed under G.S. 115C-105.39.

19 (2) Within 30 days of the initial identification of a school as low-performing by  
20 the State Board, the superintendent shall submit to the local board of education  
21 a preliminary plan for improving ~~both the school performance grade and~~  
22 ~~school growth score, grades,~~ including how the superintendent and other  
23 central office administrators will work with the school and monitor the  
24 school's progress.

25 ...

26 (b) Parental Notice of Low-Performing School Status. – Each school that the State Board  
27 identifies as low-performing shall provide written notification to the parents and guardians of  
28 students attending that school within 30 days of the identification that includes the following  
29 information:

30 (1) A statement that the State Board of Education has found that the school has  
31 earned ~~an overall a school achievement performance~~ grade of D or F and a  
32 school growth score of "met expected growth" or "not met expected growth"  
33 and has been identified as a low-performing school as defined by  
34 ~~G.S. 115C-105.37, this section.~~ The statement shall include an explanation of  
35 the school ~~performance grades and growth scores, achievement and growth~~  
36 ~~scores and grades.~~

37 (2) The school ~~performance grade and growth score achievement and growth~~  
38 ~~scores and grades~~ earned.

39 (3) Information about the preliminary plan developed under subsection (a1) of  
40 this section and the availability of the final plan on the local school  
41 administrative unit's Web site.

42 (4) The meeting date for when the preliminary plan will be considered by the local  
43 board of education.

44 (5) A description of any additional steps the school is taking to improve student  
45 performance."

46 **SECTION 2.4.** G.S. 115C-105.39A reads as rewritten:

47 **"§ 115C-105.39A. Identification of low-performing local school administrative units.**

48 (a) Identification of Low-Performing Local School Administrative Units. – The State  
49 Board of Education shall identify low-performing local school administrative units on an annual  
50 basis. A low-performing local school administrative unit is a unit in which the majority of the  
51 schools in that unit that earned ~~an overall school performance achievement and growth grade and~~

1 ~~school growth score scores and grades~~ as provided in G.S. 115C-83.15 have been identified as  
2 low-performing schools, as provided in G.S. 115C-105.37.

3 (b) Plan for Improvement of Low-Performing Local School Administrative Units. – Once  
4 a local school administrative unit has been identified as low-performing under this section, the  
5 following actions shall be taken:

6 (1) The superintendent shall proceed under G.S. 115C-105.39.

7 (2) Within 30 days of the identification of a local school administrative unit as  
8 low-performing by the State Board, the superintendent shall submit to the  
9 local board of education a preliminary plan for improving ~~both the school~~  
10 ~~performance achievement and growth grade and school growth score grades~~  
11 of each low-performing school in the unit, including how the superintendent  
12 and other central office administrators will work with each low-performing  
13 school and monitor the low-performing school's progress and how current  
14 local school administrative unit policy should be changed to improve student  
15 achievement throughout the local school administrative unit.

16 ...

17 (c) Parental Notice of Low-Performing Local School Administrative Unit Status. – Each  
18 local school administrative unit that the State Board identifies as low-performing shall provide  
19 written notification to the parents and guardians of all students attending any school in the local  
20 school administrative unit within 30 days of the identification that includes the following  
21 information:

22 (1) A statement that the State Board of Education has found that a majority of the  
23 schools in the local school administrative unit have earned ~~an overall a school~~  
24 ~~achievement performance~~ grade of D or F and a school growth score of "met  
25 expected growth" or "not met expected growth" and have been identified as  
26 low-performing schools as defined by G.S. 115C-105.37. The statement shall  
27 also include an explanation of the school ~~performance achievement and~~  
28 ~~growth grades and school growth score scores and grades.~~

29 (2) The percentage of schools identified as low-performing.

30 (3) Information about the preliminary plan developed under subsection (b) of this  
31 section and the availability of the final plan on the local school administrative  
32 unit's Web site.

33 (4) The meeting date for when the preliminary plan will be considered by the local  
34 board of education.

35 (5) A description of any additional steps the local school administrative unit and  
36 schools are taking to improve student performance.

37 (6) For notifications sent to parents and guardians of students attending a school  
38 that is identified as low-performing under G.S. 115C-105.37, a statement that  
39 the State Board of Education has found that the school has earned ~~an overall~~  
40 ~~a school achievement performance~~ grade of D or F and a school growth score  
41 of "met expected growth" or "not met expected growth" and has been  
42 identified as a low-performing school as defined by G.S. 115C-105.37. This  
43 notification also shall include the ~~overall school performance achievement and~~  
44 ~~growth grade and school growth score the school scores and grades~~ earned  
45 and an explanation of the school ~~performance achievement and growth grades~~  
46 ~~and school growth score scores and grades.~~

47 **SECTION 2.5.** G.S. 115C-218.65 reads as rewritten:

48 **"§ 115C-218.65. North Carolina School Report Cards.**

49 A charter school shall ensure that the report card issued for it by the State Board of Education  
50 receives wide distribution to the local press or is otherwise provided to the public. A charter  
51 school shall ensure that the ~~overall school performance score achievement and growth scores and~~

1 ~~grade-grades~~ earned by the charter school for the current and previous four school years ~~is-are~~  
2 prominently displayed on the school Web site. If a charter school earned ~~an overall-a school~~  
3 ~~performancee-achievement or growth~~ grade of D or F, the charter school shall provide notice of  
4 the grade in writing to the parent or guardian of all students enrolled in that school."

5 **SECTION 2.6.** G.S. 115C-218.94(a) reads as rewritten:

6 "(a) Identification of Low-Performing Charter Schools. – The State Board of Education  
7 shall identify low-performing charter schools on an annual basis. Low-performing charter  
8 schools are those that earn ~~an overall-a school~~ achievement performance grade of D or F and a  
9 school growth score of "met expected growth" or "not met expected growth" as defined by  
10 G.S. 115C-83.15."

11 **SECTION 2.7.** G.S. 115C-238.66(11) reads as rewritten:

12 "(11) North Carolina School Report Cards. – A regional school shall ensure that the  
13 report card issued for it by the State Board of Education receives wide  
14 distribution to the local press or is otherwise provided to the public. A regional  
15 school shall ensure that the ~~overall-school performancee-achievement and~~  
16 growth score-scores and ~~grade-grades~~ earned by the regional school for the  
17 current and previous four school years ~~is-are~~ prominently displayed on the  
18 school Web site. If a regional school earned ~~an overall-a school performancee~~  
19 achievement or growth grade of D or F, the regional school shall provide  
20 notice of the grade in writing to the parent or guardian of all students enrolled  
21 in that school."

22 **SECTION 2.8.** G.S. 116-239.8(b)(14) reads as rewritten:

23 "(14) North Carolina school report cards. – A laboratory school shall ensure that the  
24 report card issued for it by the State Board of Education receives wide  
25 distribution to the local press or is otherwise provided to the public. A  
26 laboratory school shall ensure that the ~~overall-school performancee~~  
27 achievement and growth score-scores and ~~grade-grades~~ earned by the  
28 laboratory school for the current and previous four school years ~~is-are~~  
29 prominently displayed on the school Web site. If a laboratory school earned  
30 ~~an overall-a school performancee-achievement or growth~~ grade of D or F, the  
31 laboratory school shall provide notice of the grade in writing to the parent or  
32 guardian of all students enrolled in that school."

33 **SECTION 2.9.** G.S. 116-239.13(3) reads as rewritten:

34 "(3) Public school student achievement data, including school ~~performancee~~  
35 achievement and growth grades and student achievement scores and student  
36 growth, scores and grades at each laboratory school."

### 38 **PART III. EFFECTIVE DATE AND APPLICABILITY CLAUSE**

39 **SECTION 3.** This act is effective January 1, 2020 and applies to school achievement  
40 grades, growth grades, and report cards issued based on data from the 2019-2020 school year.





## HOUSE BILL 276: Modify Low-Performing School Definition.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Reps. Riddell, Fraley, Clemmons, Ross	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** House Bill 276 would modify the definition of low-performing schools and make associated changes to the types of schools that could be approved for a reform model.

**CURRENT LAW:** G.S. 115C-105.37 states that low-performing 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".

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 two of three consecutive years.

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.

**BILL ANALYSIS:** House Bill 276 would remove schools that "met expected growth" from the definition of low-performing schools, so that the term would instead only apply to schools that receive a school performance grade of D or F and a school growth score of "not met expected growth".

Schools with a school performance grade of D or F that "met expected growth" would not lose their authority to request the adoption of a reform model. Instead of only continually low-performing schools being eligible for the reform models under G.S. 115C-105.37B, which would now leave out schools that "met expected growth," the bill would make eligible any school earning, for at least two of three consecutive years, an overall school performance grade of D or F and a school growth score of "met expected growth" or "not met expected growth."

**EFFECTIVE DATE:** House Bill 276 would be effective when it becomes law and would apply beginning with the 2019-2020 school year.

*\*Drupti Chauhan, Committee Counsel, substantially contributed to this summary.*

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.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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1

HOUSE BILL 276

Short Title: Modify Low-Performing School Definition. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 6, 2019

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DEFINITION OF LOW-PERFORMING SCHOOLS AND TO  
MAKE ASSOCIATED CHANGES TO THE TYPES OF SCHOOLS THAT MAY BE  
APPROVED FOR A REFORM MODEL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.37 reads as rewritten:

**"§ 115C-105.37. Identification of low-performing schools.**

(a) Identification of Low-Performing Schools. – The State Board of Education shall identify low-performing schools 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.

...

(b) Parental Notice of Low-Performing School Status. – Each school that the State Board identifies as low-performing shall provide written notification to the parents and guardians of students attending that school within 30 days of the identification that includes the following information:

(1) A statement that the State Board of Education has found that the school has earned an overall school performance grade of D or F and a school growth score of "~~met expected growth~~" or "not met expected growth" and has been identified as a low-performing school as defined by G.S. 115C-105.37. The statement shall include an explanation of the school performance grades and growth scores.

...."

**SECTION 2.** G.S. 115C-105.37B reads as rewritten:

**"§ 115C-105.37B. Reform of continually low-performing ~~schools~~ schools and certain other schools.**

(a) Notwithstanding any other provision of this Article, the State Board of Education is authorized to approve a local board of education's request to reform any school in its administrative unit which the State Board of Education has identified as ~~one of the continually low-performing schools in North Carolina~~ having earned, for at least two of three consecutive years, 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.

If the State Board of Education approves a local board of education's request to reform a school, the State Board of Education may authorize the local board of education to adopt one of the following models in accordance with State Board of Education requirements:



- 1 (1) Transformation model, which would address the following four specific areas  
2 critical to transforming a continually low-performing ~~school:school or~~  
3 ~~improving a school that is not exceeding expected growth:~~  
4 a. Developing and increasing teacher and school leader effectiveness.  
5 b. Comprehensive instructional reform strategies.  
6 c. Increasing learning time and creating community-oriented schools.  
7 d. Providing operational flexibility and sustained support.

8 ...."

9 **SECTION 3.** G.S. 115C-105.39A(c) reads as rewritten:

10 "(c) Parental Notice of Low-Performing Local School Administrative Unit Status. – Each  
11 local school administrative unit that the State Board identifies as low-performing shall provide  
12 written notification to the parents and guardians of all students attending any school in the local  
13 school administrative unit within 30 days of the identification that includes the following  
14 information:

- 15 (1) A statement that the State Board of Education has found that a majority of the  
16 schools in the local school administrative unit have earned an overall school  
17 performance grade of D or F and a school growth score of "~~met expected~~  
18 ~~growth~~" or "not met expected growth" and have been identified as  
19 low-performing schools as defined by G.S. 115C-105.37. The statement shall  
20 also include an explanation of the school performance grades and school  
21 growth scores.  
22 (2) The percentage of schools identified as low-performing.  
23 (3) Information about the preliminary plan developed under subsection (b) of this  
24 section and the availability of the final plan on the local school administrative  
25 unit's Web site.  
26 (4) The meeting date for when the preliminary plan will be considered by the local  
27 board of education.  
28 (5) A description of any additional steps the local school administrative unit and  
29 schools are taking to improve student performance.  
30 (6) For notifications sent to parents and guardians of students attending a school  
31 that is identified as low-performing under G.S. 115C-105.37, a statement that  
32 the State Board of Education has found that the school has earned an overall  
33 school performance grade of D or F and a school growth score of "~~met~~  
34 ~~expected growth~~" or "not met expected growth" and has been identified as a  
35 low-performing school as defined by G.S. 115C-105.37. This notification also  
36 shall include the overall school performance grade and school growth score  
37 the school earned and an explanation of the school performance grades and  
38 school growth scores."

39 **SECTION 4.** G.S. 115C-218.94(a) reads as rewritten:

40 "(a) Identification of Low-Performing Charter Schools. – The State Board of Education  
41 shall identify low-performing charter schools on an annual basis. Low-performing charter  
42 schools are those that earn an overall school performance grade of D or F and a school growth  
43 score of "~~met expected growth~~" or "not met expected growth" as defined by G.S. 115C-83.15."

44 **SECTION 5.** This act is effective when it becomes law and applies beginning with  
45 the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

BILL DRAFT 2019-MKa-162 [v.7]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/08/2019 11:58:48 AM

Short Title: DDC/CRC Grant program. (Public)

Sponsors: Representative Elmore.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO TRANSFER UNEXPENDED FUNDS EACH FISCAL YEAR FOR COMMUNITY RESIDENTIAL CENTERS AND DEVELOPMENTAL DAY CENTERS AND IN THE SPECIAL STATE RESERVE FUND TO A RESERVE AND TO AUTHORIZE THE DEPARTMENT TO AWARD GRANTS FROM THE RESERVE TO CERTAIN CENTERS FOR THEIR CAPITAL AND EQUIPMENT NEEDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Any unexpended and unencumbered funds at the end of each fiscal year available from (i) the funds appropriated to the Department of Public Instruction for the Exceptional Children Allotment to be allocated to local school administrative units for Community Residential Center Funds (CRCF) grants and Developmental Day Centers (DDC) and (ii) the Special State Reserve Fund (SSRF) for children with disabilities shall not revert to the General Fund but shall be transferred by the Department to a reserve to establish a grant program for community residential centers (CRCs) and DDCs administered in accordance with Section 2 of this act.

**SECTION 2.** Beginning with the 2019-2020 fiscal year, when the balance of the reserve provided for in Section 1 of this act reaches the sum of at least fifty thousand dollars (\$50,000) in a fiscal year, then the Department of Public Instruction shall solicit applications from licensed, community-based DDCs and CRCs approved by the Department of Public Instruction, Exceptional Children Division, for grants to assist the DDCs and CRCs with capital and equipment needs for their facilities. The grant application shall require documentation of the expenditures for which the grant is being requested and any other information requested by the Department. Local school administrative units shall not be eligible for the receipt of grant funds under this section. Any unexpended funds in the reserve shall be carried forward each fiscal year to be used for the purposes of this section.

**SECTION 3.** By March 15 of each fiscal year in which grants are awarded pursuant to Section 2 of this act, the Department of Public Instruction shall report to the chairs of the Senate Appropriations Committee on Education/Higher Education, the chairs of the House of Representatives Appropriations Committee on Education, and the Fiscal Research Division on the award of grants and the balance of the reserve, including the number of grant recipients, the amount of grants, and the type of expenditure covered by the grant.

**SECTION 4.** Sections 2 and 3 of this act become effective July 1, 2019. The remainder of this act becomes effective June 30, 2019.





PASS



## HOUSE BILL 295: Prohibit Corporal Punishment in Public Schs.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Reps. Fisher, Johnson	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

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**OVERVIEW:** *House Bill 295 would prohibit corporal punishment in the State's public schools.*

**CURRENT LAW:** G.S. 115C-390.4 allows local boards of education to determine whether corporal punishment will be permitted in its local school administrative unit. If a local board of education allows corporal punishment, it must adopt policies that state how and when it can be administered as well as notice and records requirements.

**BILL ANALYSIS:** House Bill 295 would prohibit corporal punishment in the State's public schools. It would also make conforming changes throughout the statutes to remove references to corporal punishment.

**EFFECTIVE DATE:** The bill becomes effective when it becomes law and applies beginning with the 2019-2020 school year.

Karen Cochrane-Brown  
Director



H 2 9 5 - S M R Q - 3 E 1 - V - 2

Legislative Analysis  
Division  
919-733-2578

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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1

HOUSE BILL 295

Short Title: Prohibit Corporal Punishment in Public Schs. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 7, 2019

A BILL TO BE ENTITLED  
AN ACT TO PROHIBIT CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS.

Whereas, "corporal punishment" is defined in statute as "the intentional infliction of physical pain upon the body of a student as a disciplinary measure"; and

Whereas, more than 80 research studies confirm that corporal punishment is not associated with improvement in academic outcomes, but is associated with impeding students' psychological and emotional development; and

Whereas, 31 states have enacted statutory bans on corporal punishment in public schools; and

Whereas, none of this State's 115 local school administrative units currently allow the use of corporal punishment; and

Whereas, the State Board of Education, the North Carolina Parent Teacher Association, and virtually all professional and advocacy organizations related to children recommend the prohibition of corporal punishment in public schools; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-390.4 reads as rewritten:

**"§ 115C-390.4. Corporal punishment prohibited.**

(a) ~~Each local board of education shall determine whether corporal punishment will be permitted in its school administrative unit.~~ Corporal punishment is prohibited. Notwithstanding a local board of education's prohibition on the use of corporal punishment, the foregoing, school personnel may use physical restraint in accordance with federal law and G.S. 115C-391.1 and reasonable force pursuant to G.S. 115C-390.3.

(b) ~~To the extent that corporal punishment is permitted, the policies adopted for the administration of corporal punishment shall include at a minimum the following:~~

(1) ~~Corporal punishment shall not be administered in a classroom with other students present.~~

(2) ~~Only a teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, or teacher who shall be informed beforehand and in the student's presence of the reason for the punishment.~~

(3) ~~A school person shall provide the student's parent with notification that corporal punishment has been administered, and the person who administered the corporal punishment shall provide the student's parent a written explanation of the reasons and the name of the second person who was present.~~





- (4) ~~The school shall maintain records of each administration of corporal punishment and the reasons for its administration.~~
- (5) ~~In no event shall excessive force be used in the administration of corporal punishment. Excessive force includes force that results in injury to the child that requires medical attention beyond simple first aid.~~
- (6) ~~Corporal punishment shall not be administered on a student whose parent or guardian has stated in writing that corporal punishment shall not be administered to that student. Parents and guardians shall be given a form to make such an election at the beginning of the school year or when the student first enters the school during the year. The form shall advise the parent or guardian that the student may be subject to suspension, among other possible punishments, for offenses that would otherwise not require suspension if corporal punishment were available. If the parent or guardian does not return the form, corporal punishment may be administered on the student.~~
- (e) ~~Each local board of education shall report annually to the State Board of Education, in a manner prescribed by the State Board of Education, on the number of times that corporal punishment was administered. The report shall be in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and shall include the following:~~
- (1) ~~The number of students who received corporal punishment.~~
- (2) ~~The number of students who received corporal punishment who were also students with disabilities and were eligible to receive special education and related services under the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.~~
- (3) ~~The grade level of the students who received corporal punishment.~~
- (4) ~~The race, gender, and ethnicity of the students who received corporal punishment.~~
- (5) ~~The reason for the administration of the corporal punishment for each student who received corporal punishment."~~

SECTION 2. G.S. 115C-12(27) reads as rewritten:

**"§ 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 all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:

...

- (27) ~~Reporting Dropout Rates, Corporal Punishment, Suspensions, Expulsions, and Alternative Placements. – The State Board shall report by March 15 of each year to the Joint Legislative Education Oversight Committee on the numbers of students who have dropped out of school, been subjected to corporal punishment, been suspended, been expelled, been reassigned for disciplinary purposes, or been provided alternative education services. The data shall be reported in a disaggregated manner, reflecting the local school administrative unit, race, gender, grade level, ethnicity, and disability status of each affected student. Such data shall be readily available to the public. The State Board shall not include students that have been expelled from school when calculating the dropout rate. The Board shall maintain a separate record~~



of the number of students who are expelled from school and the reasons for the expulsion.

...."

**SECTION 3.** G.S. 115C-107.7 reads as rewritten:

**"§ 115C-107.7. ~~Discipline, corporal punishment, Discipline and homebound instruction.~~**

(a) The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

~~(a1) Any corporal punishment administered on students with disabilities shall be consistent with the requirements of G.S. 115C-390.4.~~

(b) If a change of placement occurs under the discipline regulations of IDEA, a local educational agency shall not assign a student to homebound instruction without a determination by the student's IEP team that the homebound instruction is the least restrictive alternative environment for that student. If it is determined that the homebound instruction is the least restrictive alternative environment for the student, the student's IEP team shall meet to determine the nature of the homebound educational services to be provided to the student. In addition, the continued appropriateness of the homebound instruction shall be evaluated monthly by the designee or designees of the student's IEP team.

(c) A local educational agency shall be deemed to have a "basis of knowledge" that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly establishes the need for special education. Prior disciplinary infractions shall not, standing alone, constitute clear and convincing evidence."

**SECTION 4.** G.S. 115C-276(r) reads as rewritten:

**"§ 115C-276. Duties of superintendent.**

...

(r) To Maintain Student Discipline. – The superintendent shall maintain student discipline in accordance with Article 27 of this Chapter and shall keep data on each student ~~to whom corporal punishment was administered~~, who was suspended for more than 10 days, who was reassigned for disciplinary reasons, or who was expelled. This data shall include the race, gender, age, grade level, ethnicity, and disability status of each student, the duration of suspension for each student, whether alternative education services were provided for each student, and whether a student had multiple suspensions in that academic year.

...."

**SECTION 5.** G.S. 115C-390.2(h) reads as rewritten:

**"§ 115C-390.2. Discipline policies.**

...

(h) Board policies shall include the procedures to be followed by school officials in ~~suspending, expelling, or administering corporal punishment to~~ suspending or expelling any student, which shall be consistent with this Article.

...."

**SECTION 6.** G.S. 6-21.4 is repealed.

**SECTION 7.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year. Section 6 of this act does not apply to civil actions arising from the use of corporal punishment prior to the effective date of this act.



**House Committee on Education - K-12**  
**Tuesday, March 26, 2019 at 1:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 1:00 PM on March 26, 2019 in Room 643 of the Legislative Office Building. Representatives Jeffrey Elmore, Craig Horn, Linda Johnson, Hugh Blackwell, Cecil Brockman, Cynthia Ball, Chaz Beasley, Mark Brody, Ashton Clemmons, Kevin Corbin, Jean Farmer-Butterfield, Susan Fisher, John Fraley, James Gailliard, Rosa Gill, Charles Graham, Jon Hardister, Cody Henson, Frank Iler, Donny Lambeth, Marvin Lucas, Graig Meyer, Larry Potts, Dennis Riddell, Kandie Smith, Larry Strickland, Rena Turner, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 1:05 PM and introduced the Sergeant-At-Arms who would be assisting with the committee and recognized the pages. Copies of the attendance and visitor registration are attached to these minutes. (Attachments 1-4)

The following bills were considered:

**HB 107, PED Oversight/EPP Changes.** (Primary Sponsors: Representative Horn, Farmer-Butterfield, and Lucas), (Attachments 5-6)

Representative Elmore announced there was a PCS for **HB 107, PED Oversight/EPP Changes.** (Attachment 7) There was no objection to the PCS. Representative Elmore recognized Representative Horn to explain the bill. The 2<sup>nd</sup> edition of the bill would include the employment of EPP completers as a performance standard for EPPs; direct the State Board of Education to adopt a rule creating a small group exception for the disaggregation of EPP performance data in certain circumstances; and direct the State Board, in consultation with DPI and PEPSC, to develop a formulaic, performance-based weighted model and report to JLEOC before implementing the model. The PCS for HB 107 would remove the quality of students entering the EPP as a performance standard, and instead only include it in the annual performance report, modify the new performance standard related to employment by using the two-year retention rate of EPP completers initially licensed and employed in a NC public school, clarify that the small group exception could be applied any time data are at risk of being individually identifiable, and make various clarifying and technical changes to the annual performance report.

Representative Corbin was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Elmore asked for a vote and the motion passed.

**HB 275, CTE Pilot for Guilford Co. Schools.** (Primary Sponsors: Representative Hardister, Quick, Faircloth, and Clemmons), (Attachments 8-9)

Representative Horn recognized Representative Hardister to explain the bill. The bill would establish the Innovative Signature Career Academy Program in Guilford County Schools. The



Program would provide for signature career academies at various high schools that specialize in defined areas of career and technical education. A tax credit would be provided to certain employers whose employees volunteer in these academies. The bill would also appropriate \$3,000,000 for the Program total for the 2019-2020 and 2020-2021 fiscal years.

Representative Brody asked if the \$3 million was nonrecurring since it was a pilot program and if others do this will they need \$3 million. Representative Blackwell, in reference to Line 26 and its discussion of the components of the Program, asked if there is a component that is required that there will be the phase out of other CTE programs, have they been identified, and what happens to the money being used on those programs. Representative Blackwell, in reference to Line 15, asked about the meaning of preparing students for high wage careers and a wage that is sufficient to a middle class lifestyle. Representative Blackwell commented on the tension between what we need to do for students and what we need to do to meet the needs for employers. Representative Fraley mentioned they fund the Eastern Triad Workforce and he wanted to know the difference between that and this bill. Representative Fraley also asked if other CTE/workforce programs were funded by the state and if not, why the program mentioned in this bill should get state funding. Representative Iler asked if this program would create competition, cooperation, or a mixture of both with Community Colleges. Representative Iler also asked about the types of jobs that would result. Representative White mentioned there have been systems in our state that have been doing this for some time without funding and is concerned this might open Pandora's Box. Representative Lambeth mentioned they might be complicating the bill by trying to create a tax credit and if it is worth it. Representative Graham had a question about reassigning current CTE teachers.

Representative Brockman was recognized for a motion to receive a favorable report for HB 275 with a referral to Finance. Representative Horn asked for a vote and the motion passed.

**HB 315, Instructional Material Selection.** (Primary Sponsors: Representative Elmore, Arp, and Johnson), (Attachments 10-11)

Representative Horn announced there was a PCS for **HB 315, Instructional Material Selection.** (Attachment 12) There was no objection to the PCS. Representative Horn recognized Representative Elmore to explain the bill. The bill would repeal the current process for textbook selection by the State Board of Education and would replace it with a process for local boards of education to select instructional materials. The bill would also create a process for individuals to challenge instructional materials as unfit, which could be appealed to the State Board of Education. The PCS would clarify the definition of unfit materials to remove ambiguous language and clarify that teacher-created classroom materials do not have to be kept in the materials repository. Representative Horn stated there was an amendment by Representative Elmore, H315-ATC-12 [v.1], (Attachment 13) and recognized Representative Elmore to explain the amendment. Representative Elmore stated the amendment corrected a typo in the bill. Representative Horn asked for questions to the amendment and hearing none, asked for a vote, the amendment passes. Representative Horn stated there was an amendment by Representative Clemmons, H315-ATC-9 [v.1], (Attachment 14) and recognized Representative Clemmons to explain the amendment. Representative Clemmons stated the amendment clarified that teacher-selected materials for their own classroom would not have to be approved by the School Board before being used.



Representative Elmore supported the amendment. Representative Horn asked for questions to the amendment. Representative Iler asked if this would have no check and balance against a teacher bringing in anything and how are the parents going to know what teachers are bringing in and what their children are being taught. Representative Horn asked for a vote, the amendment passes. Representative Horn stated there was an amendment by Representative Meyer, H315-ATC-11 [v.1], (Attachment 15) and recognized Representative Meyer to explain the amendment. Representative Meyer stated the amendment was to the Health and Safety section of the bill and removes the requirement for a public hearing and leaves in the requirement of notice to all parents. Representative Elmore had no issue with the amendment. Representative Horn asked for questions to the amendment and hearing none, asked for a vote, the amendment passes.

Representative Horn recognized the speakers from the public: Janet Oehl, Concerned Community Member and Health Professional, from Carteret County; Patrick Snyder from Cumberland County; and Joe Werrell from Onslow County. (Attachment 16)

Representative Horn asked if there was any questions or discussion on the bill as amended. Representative Fisher had a question in regards to what we do now with public hearings and parent involvement and wanted to know why we need to do anything differently. Representative Fisher also asked why we are making this a cumbersome process. Representative Fisher expressed her concerns that we should be careful on reinventing the wheel but is a fan of online resources because they can be inspected. Representative Fisher's final questions were what constitutes a public complaint in this new process and what process does the complaint go through. Representative Corbin asked about page 4, line 15 of the bill and the concerns that librarians are left out of that process. Representative Meyer expressed his concerns of the fiscal impact on local school districts and the impact on small districts. Representative Beasley asked how this process prevents a large number of disproportionately health-related challenges to textbooks that have to be in some way graphic. Representative Beasley asked if his interpretation of Sections 102.60 and 102.65 was correct in that the instructional materials for the health curriculum could be challenged based on obscenity. Representative Lucas expressed his concern with the probability of instructional materials incurring costs and asked if a fiscal note would be necessary.

Representative Gill called for the ayes and noes. Representative Johnson was recognized for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed 13 to 12. (Attachment 17)

**HB 340, Amend Appt For Compact on Education/Military.** (Primary Sponsors: Representative Martin, Cleveland, and Bell), (Attachments 18-19)

Representative Horn recognized Representative Martin to explain the bill. The bill would amend the requirements for an individual to be appointed as compact commissioner under the Interstate Compact on Educational Opportunity for Military Children.

Representative Beasley was recognized for a motion to receive a favorable report for HB 340 with a referral to Rules. Representative Horn asked for a vote and the motion passed.





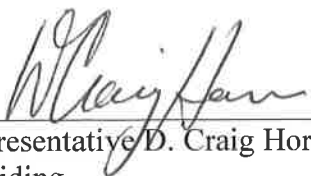
**HB 377, Reduce Testing.** (Representative Elmore, K. Hall, Bell, and Conrad), (Attachments 20-21)

Representative Horn announced there was a PCS for **HB 377, Reduce Testing.** (Attachment 22) There was no objection to the PCS. Representative Horn stated there was an amendment by Representative Elmore, H377-ABE-10 [v.3], (Attachment 23) and recognized Representative Elmore to explain the amendment. Representative Elmore stated the amendment corrected a typo in the bill. Representative Horn asked for questions to the amendment and hearing none, asked for a vote, the amendment passes. Representative Horn recognized Representative Elmore to explain the bill. The bill would eliminate NC Final Exams, replace EOGs with NC Check-Ins, replace EOCs with a nationally recognized assessment of high school achievement, such as the ACT or SAT, eliminate required administration of the WorkKeys assessment, prohibit standardized testing by local school administrative units (LEAs) except as required by the State Board of Education, and prohibit graduation projects as a condition of graduation. The PCS would provide the State Board with flexibility in calculating growth scores for teachers, replace the EOGs with a “through-grade assessment model” similar to the NC Check-Ins, rather than the NC Check-Ins themselves, modify the testing windows for the three through-grade assessments, give the State Board additional flexibility in calculating summative student scores based on the three through-grade assessments, extend the deadline for replacing EOCs with a nationally recognized assessment of high school achievement from 2019-2020 to 2020-2021, and make various clarifying and technical changes.

Representative Riddell asked Representative Elmore to review what happens with the school performance grade and altering grades. Representative Corbin asked about Part V of the bill concerning prohibiting graduation projects. Representative Clemmons asked about the NC Check-In usage. Representative Brody wanted to know where in the bill we are eliminating assessments. Representative Brody asked if Section 4A was the clause that eliminated assessments. Representative Blackwell asked about the system of going to three tests and the timeline and how that process correlates with or is involved at all with the idea of students moving at their own pace. Representative Blackwell mentioned the Read to Achieve legislation. Representative Blackwell had another question pertaining to prohibiting standardized testing at the local level. Representative Hardister asked exactly what the standardized test at the local level is and where the stakeholders are on this. Representative Gill asked how this affected the federal ESSA.

Representative Horn recognized Representative Hardister for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

The meeting adjourned at 2:43 PM.

  
Representative D. Craig Horn, Chair  
Presiding

  
Erin Wilson, Committee Clerk



Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms and Pages
4. Visitor Registration
5. HB 107 Summary
6. HB 107 Edition 1
7. PCS H107-CSBE-3 [v.6]
8. HB 275 Summary
9. HB 275 Edition 1
10. HB 315 Summary
11. HB 315 Edition 1
12. PCS H315-CSTC-6 [v.4]
13. Amendment H315-ATC-12 [v.1]
14. Amendment H315-ATC-9 [v.1]
15. Amendment H315-ATC-11 [v.1]
16. Speakers on HB 315
17. Roll Call Vote on HB 315
18. HB 340 Summary
19. HB 340 Edition 1
20. HB 377 Summary
21. HB 377 Edition 1
22. PCS H377-CSBE-6 [v.6]
23. Amendment H377-ABE-10 [v.3]



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, March 26, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn will preside.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 107</u>	PED Oversight/EPP Changes.	Representative Horn Representative Farmer-Butterfield Representative Lucas
<u>HB 275</u>	CTE Pilot for Guilford Co. Schools.	Representative Hardister Representative Quick Representative Faircloth Representative Clemmons
<u>HB 315</u>	Instructional Material Selection.	Representative Elmore Representative Arp Representative Johnson Representative Martin Representative Cleveland Representative Bell
<u>HB 340</u>	Amend Appt For Compact on Education/Military.	Representative Elmore Representative K. Hall Representative Bell Representative Conrad
<u>HB 377</u>	Reduce Testing.	



Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:14 PM on Wednesday, March 20, 2019.

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

Erin Wilson (Committee Assistant)





**House Committee on Education - K-12**  
**Tuesday, March 26, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

Representative Horn, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 107	PED Oversight/EPP Changes.	Representative Horn Representative Farmer- Butterfield
HB 275	CTE Pilot for Guilford Co. Schools.	Representative Lucas Representative Hardister Representative Quick Representative Faircloth Representative Clemmons
HB 315	Instructional Material Selection.	Representative Elmore Representative Arp Representative Johnson
HB 340	Amend Appt For Compact on Education/Military.	Representative Martin Representative Cleveland Representative Bell
HB 377	Reduce Testing.	Representative Elmore Representative K. Hall Representative Bell Representative Conrad



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB NO. 2, UNFAVORABLE COM SUB NO. 1 AND RE-REFERRED**

**HB 107 (CS#1)**

**PED Oversight/EPP Changes.**

**Draft Number: H107-PCS30219-BE-3**

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

**Recommended Referral: None**

**Long Title Amended: No**

**Floor Manager: Horn**

**TOTAL REPORTED: 1**



\* C M R 1 6 2 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 275**

CTE Pilot for Guilford Co. Schools.

Draft Number: None

**Serial Referral: FINANCE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Hardister

**HB 340**

Amend Appt For Compact on Education/Military.

Draft Number: None

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Martin

**TOTAL REPORTED: 2**



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



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 377**

**Reduce Testing.**

**Draft Number: H377-PCS30223-BE-7**

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

**Recommended Referral: None**

**Long Title Amended: No**

**Floor Manager: Elmore**

**TOTAL REPORTED: 1**



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





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 315**

Instructional Material Selection.

Draft Number: H315-PCS40229-TC-6

Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE

Recommended Referral: None

Long Title Amended: No

Floor Manager: Elmore

TOTAL REPORTED: 1



\* C M R 1 6 4 - V - 1 \*



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES																		
	3/26																	
Rep. Jeffrey Elmore, Chair	✓																	
Rep. Craig Horn, Chair	✓																	
Rep. Linda Johnson, Chair	✓																	
Rep. Hugh Blackwell, Vice Chair	✓																	
Rep. Cecil Brockman, Vice Chair	✓																	
Rep. Cynthia Ball	✓																	
Rep. Chaz Beasley	✓																	
Rep. Mark Brody	✓																	
Rep. Ashton Clemmons	✓																	
Rep. Kevin Corbin	✓																	
Rep. Jean Farmer-Butterfield	✓																	
Rep. Susan Fisher	✓																	
Rep. John Fraley	✓																	
Rep. James Gailliard	✓																	
Rep. Rosa Gill	✓																	
Rep. Charles Graham	✓																	
Rep. Jon Hardister	✓																	
Rep. Cody Henson	✓																	
Rep. Frank Iler	✓																	
Rep. Donny Lambeth	✓																	
Rep. Marvin Lucas	✓																	
Rep. Graig Meyer	✓																	
Rep. Larry Potts	✓																	



DATES																
	3/26															
Rep. Dennis Riddell	✓															
Rep. Kandie Smith	✓															
Rep. Larry Strickland	✓															
Rep. Rena Turner	✓															
Rep. Donna McDowell White	✓															



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education - K - 12

DATE: 3-26-19 Room: 643 LOB

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Marvin Lee
3. Name: Kim Blackman
4. Name: Glen Wall
5. Name:

Senate Sgt-At Arms:

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





**House Pages  
Assignments  
Tuesday, March 26, 2019  
Session: 4:45 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
* Education - K-12	643	<del>4:00 PM</del>	Samuel Hart		Rep. Marcia Morey
		12:45	Lauren Johnson		Speaker Tim Moore
			Isabel Lewis		Rep. Cynthia Ball
			Everett McAteer		Rep. John Szoka
Rules, Calendar, and Operations of the House	1027/1128	1:00 PM	Jared Danaher		Rep. William O. Richardson
			Blake Ellison		Rep. George G. Cleveland
			Spencer Neill		Rep. Jay Adams
			Kai Nilsen		Rep. Verla Insko



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Susan Harrison	NCDTSEA
Andrew Gneehan	
Chandler Spauld	SA
Jelly Palmer	Palmer Inc
Rebel Boulton	Boulton Group
Katherine Iverson	NC PTA
Adam Prodenic	NCAACE
Resha Fortson	SEANL
Zane Stilwell	TSG
BRIAN LEWIS	New Future



# VISITOR REGISTRATION SHEET

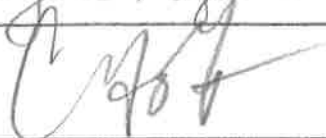
House Committee on Education - K - 12

3-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Col Jeri graham USA (ret)	military officers Association of America
Tammy Howard	NC DPI
Tom Tomberlin	NC DPI
Nan Fulcher	NC Families for School Testing Reform
Suzanne + Salem Miller	NC Families for school Testing Reform
April NEUMANN	maic
Joe Royall	NCFPC
	NC SBTE
Maria Pitke-Martin	NC DPI
David Anderson	The Washington Center 1333 16th St NW Washington DC
Chris Gossop	NC DPI



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Dodie Benfer	Nelson Mullins
Winston McGovern	Guildford Education Alliance
Tammy Simmons	GAP
Brian Norren	Business Information Bureau - Chamber
Edna Wallace	RTI
Mar 7 & 8 2019	Shirley Hill
Sallie James	Governor's office
Andy Munn	MVA
Skye Dand	newframe
Jason Cooper	newframe
LeB Lamm	PLK





# VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Leah Sutton	Best NC
Darlene Garrett	Guilford County Board of Education
Linda Welborn	Guilford County Board of Education
Joe Werrall	Onslow County - Herbert NC
Patrick Dwyer	3434 Shawcross Dr Carteret County, Fayetteville NC
Dan Soucek	NC Value Coalition
Tanet Oehl	Carteret County
Jamie Fitzgerald	NC Values Coalition
Leo Storn	NC AAN
Rhaegan Jackson	Focus public Affairs
Lee T. M. Jr	TAG
Henri Burio	meat



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ed Jurelyh	BP
Shamira Myers	NCPTA
Monique Rector	NCPTA
Meredith Rouse Davis	NCPTA Glenwood Ave. Raleigh
Caleb Wright	TSR
Wendy Kelly	Focus Public Affairs
Alvin Julian	NCGA
Kewin Williams	NC DPI
Richard Bostic	NC SBA
J Goodman	CCC
Hunt Moore	Plasma Games



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-26-19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>Bryan D. Helling</i> Elizabeth Yelverton	<i>Helling Group Inc.</i> NCASA
Katherine Joyce	NCASA
<i>John Petersen</i>	<i>White Advocacy</i>
<i>Bruce Mc</i>	<i>NCSPA</i>
Matt Ellinkwood	NCJC
<i>Leanne Minnie</i>	<i>NCSPA</i>
<i>Ed Baisden</i>	MOAA
Jeri Graham	MOAA
AMES SIMMONS	EQUALITY NC
Amy Falk	30 PR



## VISITOR REGISTRATION SHEET

House Committee on Education - K - 12

3-26-19

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

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## HOUSE BILL 107: PED Oversight/EPP Changes.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 26, 2019
<b>Introduced by:</b>	Reps. Horn, Farmer-Butterfield, Lucas	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	PCS to Second Edition H107-CSBE-3		Committee Co-Counsel

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**OVERVIEW:** *The 2nd Edition of House Bill 107 would include the employment of Educator Preparation Program (EPP) completers as a performance standard for EPPs; direct the State Board of Education (State Board) to adopt a rule creating a small group exception for the disaggregation of EPP performance data in certain circumstances; and direct the State Board, in consultation with the Department of Public Instruction (DPI) and the Professional Educator Preparation and Standards Commission (PEPSC), to develop a formulaic, performance-based weighted model and report to the Joint Legislative Education Oversight Committee before implementing the model.*

**The PCS would do the following:**

- Remove the quality of students entering the EPP as a performance standard, and instead only include it in the annual performance report.
- Modify the new performance standard related to employment by using the two-year retention rate of EPP completers initially licensed and employed in a North Carolina public school.
- Clarify that the small group exception could be applied any time data are at risk of being individually identifiable.
- Make various clarifying and technical changes to the annual performance report.

**CURRENT LAW:** G.S. 115C-269.35(a) requires the State Board to establish performance standards that all EPPs must meet in order to continue recommending candidates for licensure and avoid sanctions. Performance standards must at least include:

- Performance of EPP completers on annual teacher evaluations.
- Proficiency and growth of students taught by EPP completers.
- Results from an educator satisfaction survey.
- Quality of students entering the EPP.

Under G.S. 115C-269.35(b), EPPs must submit annual performance reports that include performance standard data, in addition to several other data indicators. Additionally, G.S. 115C-269.50 requires that the State Board put together an annual report card for each EPP, which summarizes data from the annual performance reports.

**BILL ANALYSIS:** The PCS to House Bill 107 would do the following:

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Director



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

# House PCS 107

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- Remove the performance standard related to the quality of students entering the EPP, and instead only include it in the annual performance report.
- Require that the State Board establish a performance standard for EPPs based on the two-year retention rate for EPP completers initially licensed and employed in a North Carolina public school.
- Direct the State Board to adopt a rule to establish a small group exception for circumstances in which individually identifiable data may be revealed.
- Direct the State Board, in consultation with DPI and PEPSC, to consider certain information and include specific factors in the development of a formulaic, performance-based weighted model. The State Board would report on the model to the Joint Legislative Education Oversight Committee by February 15, 2020.
- Make various clarifying and technical changes to the annual performance report.

**EFFECTIVE DATE:** The act would be effective when it becomes law. The changes to the performance standards would apply to (i) EPPs authorized by the State Board on or after the date the act becomes law and (ii) reports submitted to the State Board by an EPP and reviews by the State Board of an EPP beginning with the 2019-2020 academic year.

**BACKGROUND:** As introduced, HB 107 was recommended by the Joint Legislative Program Evaluation Oversight Committee. A report by the Program Evaluation Division (PED) can be found here: [https://www.ncleg.net/PED/Reports/documents/EPP/EPP\\_Report.pdf](https://www.ncleg.net/PED/Reports/documents/EPP/EPP_Report.pdf)

*\*Leslie Karkanawi, staff attorney in the Bill Drafting Division, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 107\*

Short Title: PED Oversight/EPP Changes. (Public)

Sponsors: Representatives Horn, Farmer-Butterfield, and Lucas (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Education - Universities, if favorable, Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 20, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO THE EDUCATOR PREPARATION PROGRAM  
3 PERFORMANCE STANDARDS AND DATA REPORTING SYSTEM, AS  
4 RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION  
5 OVERSIGHT COMMITTEE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 115C-269.35 reads as rewritten:

8 "§ 115C-269.35. Accountability for educator preparation programs.

9 (a) Performance Measures. – The State Board shall adopt rules necessary to establish  
10 standards of performance to govern the continuing accountability of all EPPs. At a minimum, the  
11 performance standards shall be based on the following information that is disaggregated with  
12 respect to race, sex, and ethnicity:

13 (1) Performance based on the standards and criteria for annual evaluations of  
14 licensed employees.

15 (2) Proficiency and growth of students taught by educators holding an initial  
16 professional license, to the extent practicable. When available, EVAAS data  
17 shall be used to measure student proficiency and growth.

18 (3) Results from an educator satisfaction survey, developed by the State Board  
19 with stakeholder input, performed at the end of the educator's first year of  
20 teaching after receiving an initial professional license.

21 (3a) Employment of EPP completers, including the number of students employed  
22 as beginning teachers under initial professional licenses within the first year  
23 of completing the program, the number of students retained in the profession,  
24 and the perseverance of beginning educators in the profession, as determined  
25 on the basis of the number of beginning educators who maintain status as  
26 active members in the North Carolina Teachers' and State Employees'  
27 Retirement System at least three years after licensure.

28 (4) Quality of students entering the EPP, including the average grade point  
29 average and average score on preprofessional skills tests or college entrance  
30 exams that assess reading, writing, mathematics, and other competencies.

31 (b) Annual Performance Reports. – The State Board shall require all recognized EPPs to  
32 submit annual performance reports. The performance reports shall provide the State Board with  
33 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 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 included in an EPP's annual performance report related to subdivisions ~~(1) and (2)~~ (1), (2), and (3a) 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."

**SECTION 2.** G.S. 115C-269.45 is amended by adding a new subsection to read:

"(c1) Small Group Exception. – Notwithstanding the provisions of subsection (a) of this section, the State Board of Education shall adopt a rule to establish a small group exception for circumstances in which disaggregation of performance data with respect to race, sex, or ethnicity is not possible due to the small number of program participants in a demographic group. The rule shall include the number of students necessary to qualify for the exception and the alternative method of performance assessment and assignment of sanctions. The rule may provide for measuring performance of small student groups cumulatively over multiple years for EPP accountability purposes."

**SECTION 3.** G.S. 115C-269.50 reads as rewritten:

**"§ 115C-269.50. EPP report cards.**

The State Board shall create an annual report card 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)~~. G.S. 115C-269.35(b), through the use of a formulaic, performance-based weighted model adopted by the State Board. 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."

**SECTION 4.(a)** The State Board of Education, in consultation with the Department of Public Instruction and the Professional Educator Preparation and Standards Commission (PEPSC), shall develop a formulaic, performance-based weighted model for the purposes of comparing the annual report card information between each educator preparation program (EPP) pursuant to G.S. 115C-269.50, as amended by this act. The State Board, in consultation with the Department and PEPSC, shall do at least the following in designing the weighted model:

- (1) Identify what information should be included in the weighted model to most effectively achieve the following:
  - a. Meet federal and State law requirements.
  - b. Hold EPPs accountable for established standards.
  - c. Assist EPPs in improving performance.
  - d. Communicate EPP performance to policymakers and the public.
- (2) Identify and select measures for each performance domain specified in State law to be used in the weighted model.
- (3) Assign weight to each performance domain and the respective measures within each domain, including making rounding decisions for awarding points.

- (4) Determine the number of years of data that will be used to calculate measures, such as three or five years.
- (5) Examine potential reasons for excluding EPPs from the reporting, including if there are missing or too few data points for a certain number of measures in the domains.
- (6) Establish targets and minimum standards based on the ninetieth and tenth percentile or on other criteria.
- (7) Consider whether the weighted model shall be used solely for public accountability and to inform policymakers or if the weighted model may also be used as a corrective or compliance tool.
- (8) Identify any necessary changes to State law to enable transition to the new weighted model.
- (9) Examine how an information dashboard system could be used as part of the reporting system, including any challenges related to integrating data from both public and private EPPs in one information dashboard system.

**SECTION 4.(b)** By November 15, 2019, the State Board, in consultation with the Department and PEPSC, shall report to the Joint Legislative Education Oversight Committee on the development of the formulaic, performance-based weighted model for EPPs as required by subsection (a) of this section and any legislative recommendations regarding implementation of the model.

**SECTION 5.** By October 1, 2019, the State Board of Education shall adopt the rule required by G.S. 115C-269.45(c1), as enacted by this act. The State Board shall apply the rule beginning with data collected from the 2018-2019 academic year for the purposes of the annual report made available to the public by December 15, 2020, and annually thereafter, pursuant to G.S. 115C-269.50.

**SECTION 6.** Section 3 of this act becomes effective July 1, 2020, and applies beginning with data from the 2020-2021 academic year. The remainder of this act is effective when it becomes law. Section 1 of this act applies to (i) educator preparation programs (EPP) authorized by the State Board of Education on or after the date this act becomes law and (ii) reports submitted to the State Board and reviews by the State Board of an EPP beginning with the 2019-2020 academic year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 107  
Committee Substitute Favorable 3/5/19  
PROPOSED COMMITTEE SUBSTITUTE H107-CSBE-3 [v.6]  
03/25/2019 01:25:38 PM

Short Title: PED Oversight/EPP Changes.

(Public)

Sponsors:

Referred to:

February 20, 2019

A BILL TO BE ENTITLED  
AN ACT TO MAKE CHANGES TO THE EDUCATOR PREPARATION PROGRAM  
PERFORMANCE STANDARDS AND DATA REPORTING SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-269.35 reads as rewritten:

**"§ 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. The two-year retention rate for individuals who completed an EPP and became initially licensed and employed in a North Carolina public school.

(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 to candidacy of the EPP.
  - b. The number of students admitted as candidates of the EPP.



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- c. ~~The number of students retained.~~ The number of students completing the program.
- d. ~~The number of students completing the program.~~ The number of graduates of the EPP licensed in North Carolina.
- e. ~~The number of students employed as beginning teachers under initial professional licenses by not later than the first anniversary of completing the program.~~ The number of graduates of the EPP employed in North Carolina.
- f. ~~The amount of time required by students employed as beginning teachers under residency licenses to be issued initial professional licenses.~~ The number and percentage of students who convert from a residency license to either an initial professional license or a continuing professional license.
- g. ~~The number of students retained in the profession.~~ Any other information required by federal law.
- h. ~~Any other information required by federal law.~~
- (4) ~~The ratio of field supervisors to students completing an internship or residency.~~ 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.
- (5) Graduation rates.
- ~~(6) Time to graduation rates.~~
- (7) ~~Average scores~~ Pass rates 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~~ activities offered by the program that are designed to ~~prepares~~ prepare 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-retention 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 profession for~~ at least three years after licensure in comparison to similar programs. ~~licensure.~~
- (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 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 included in an EPP's annual performance report related to subdivisions ~~(1) and (2)~~ (1), (2), and (4) 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."

**SECTION 2.** G.S. 115C-269.45 is amended by adding a new subsection to read:

"(c1) Small Group Exception. – Notwithstanding the provisions of subsection (a) of this section, the State Board of Education shall adopt a rule to establish a small group exception for circumstances in which there is a risk of identifying individual program participants. The rule shall include the number of students necessary to qualify for the exception and the alternative method of performance assessment and assignment of sanctions. The rule may provide for measuring performance of small student groups cumulatively over multiple years for EPP accountability purposes."

**SECTION 3.(a)** The State Board of Education, in consultation with the Department of Public Instruction and the Professional Educator Preparation and Standards Commission (PEPSC), shall develop a formulaic, performance-based weighted model for the purposes of comparing the annual report card information between each educator preparation program (EPP) pursuant to G.S. 115C-269.50. The State Board, in consultation with the Department and PEPSC, shall do at least the following in designing the weighted model:

- (1) Identify and select measures from the annual performance reports required by G.S. 115C-269.35(b), as amended by this act, to be used in the weighted model.
- (2) Assign weight to each measure, including making rounding decisions for awarding points.
- (3) Determine the number of years of data that will be used to calculate measures, such as three or five years.
- (4) Examine potential reasons for excluding EPPs from the reporting, including if there are missing or too few data points for certain measures.
- (5) Establish targets and minimum standards. To the extent practicable, EPPs shall be measured against objective criteria rather than norm-referenced criteria.
- (6) Consider whether the weighted model should be used solely for public accountability and to inform policymakers or if the weighted model may also be used as a corrective or compliance tool.
- (7) Examine how an information dashboard system could be used as part of the reporting system, including any challenges related to integrating data from both public and private EPPs in one information dashboard system.
- (8) Examine whether additional information should be included in the weighted model to most effectively achieve the following:
  - a. Meet federal and State law requirements.
  - b. Hold EPPs accountable for established standards.

1 c. Assist EPPs in improving performance.

2 d. Communicate EPP performance to policymakers and the public.

3 (9) Identify any necessary changes to State law that would enable a transition to  
4 the new weighted model.

5 **SECTION 3.(b)** By February 15, 2020, the State Board, in consultation with the  
6 Department and PEPSC, shall report to the Joint Legislative Education Oversight Committee on  
7 (i) the development of the formulaic, performance-based weighted model for EPPs as required  
8 by subsection (a) of this section; (ii) recommendations on the purposes and uses of the weighted  
9 model; (iii) recommendations on the time line for possible implementation of the weighted  
10 model; and (iv) any legislative changes needed for implementation of the model.

11 **SECTION 4.** By October 1, 2019, the State Board of Education shall adopt the rule  
12 required by G.S. 115C-269.45(c1), as enacted by this act. The State Board shall apply the rule  
13 beginning with data collected from the 2018-2019 academic year for the purposes of the annual  
14 report made available to the public by December 15, 2019, and annually thereafter, pursuant to  
15 G.S. 115C-269.50.

16 **SECTION 5.** This act is effective when it becomes law. Section 1 of this act applies  
17 to (i) educator preparation programs (EPPs) authorized by the State Board of Education on or  
18 after the date this act becomes law and (ii) reports submitted to the State Board and reviews by  
19 the State Board of an EPP beginning with the 2019-2020 academic year.



## HOUSE BILL 275: CTE Pilot for Guilford Co. Schools.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Finance. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 26, 2019
<b>Introduced by:</b>	Reps. Hardister, Quick, Faircloth, Clemmons	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

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**OVERVIEW:** *House Bill 275 would establish the Innovative Signature Career Academy Program (Program) in Guilford County Schools (GCS). The Program would provide for signature career academies at various high schools that specialize in defined areas of career and technical education. A tax credit would be provided to certain employers whose employees volunteer in these academies. The bill would also appropriate \$3,000,000 for the Program total for the 2019-2020 and 2020-2021 fiscal years.*

[As introduced, this bill was identical to S189, as introduced by Sens. Tillman, Gunn, Robinson, which is currently in Senate Education/Higher Education.]

**BILL ANALYSIS:** House Bill 275 would establish the Innovative Signature Career Academy Program (Program) in Guilford County Schools (GCS). The Program would create signature career academies at various high schools throughout GCS which would specialize in defined areas of career and technical education (CTE).

There would be at least four signature career academies (but no more than six) with the following components:

- A school-selected priority career pathway that does not compete with career pathways at the other signature career academies in addition to CTE courses offered as elective options and business and computer science courses.
- School and community input on the development of the priority career pathways and the phase-out of other CTE programs.
- Partnerships with higher education institutions and business and industry entities for specific equipment needs and the design of clearly defined career pathways.
- Options for eighth grade students to apply to attend a signature career academy of their choice.
- Reassignment of current CTE teachers to focus on an area of expertise at a signature career academy and the creation of partnerships with higher education faculty and employees of industry and business to volunteer to serve as co-teachers in the specialized areas.

GCS would be able to contract with individuals who have education and training related to the specific skills and career pathways that are the focus of the signature career academies. Individuals who have direct contact with the students through the Program would be subject to a criminal history check.

Karen Cochrane-Brown  
Director



Legislative Analysis  
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# House Bill 275

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Annually by June 30, GCS must report to the Department of Public Instruction (DPI) on (i) the implementation of the Program, including the use of the State appropriations for the Program; (ii) data on student completion rates for the career pathways; and (iii) any recommendations on modifications of the Program. DPI must report this information annually by August 15 to the Joint Legislative Education Oversight Committee.

The Program may operate for up to six school years. Before the end of the school year in which the Program will expire, the GCS board of education may apply to the State Board of Education (SBE) for the Program to be included as an ongoing component of the CTE local plan that is submitted to the SBE. The SBE must consider the data submitted to DPI when reviewing the request to make the Program a component of the local CTE plan.

**Section 2** of the bill would create a Career Academy incentive tax credit for a taxpayer employer with an employee who (i) volunteers as a co-teacher in GCS for a full academic year in the Program and receives no compensation from GCS for volunteering. The taxpayer employer would be allowed a credit equal to 50% of the compensation paid to the employee for the time spent as a volunteer co-teacher.

**Section 3** of the bill appropriates \$3,000,000 total for the 2019-2020 and 2020-2021 fiscal years to GCS for the Program and authorizes GCS to operate the Program for at least six school years beginning with the 2019-2020 school year.

**EFFECTIVE DATE:** The tax credit is effective for taxable years beginning on or after January 1, 2019. The remainder of the bill becomes effective July 1, 2019.

**BACKGROUND and CURRENT LAW:** Under Article 10 of Chapter 115C (Career and Technical Education), local boards of education are required to submit career and technical education plans to the State Board of Education (SBE) that include a number of items, such as showing that new CTE programs are based on student demand and new job skill programs are based on student and labor market demand. Local boards of education must also establish business advisory councils and consult with the councils for local CTE planning. The business advisory councils must identify economic and workforce development trends related to the training and educational needs of the local community.

There are currently eight CTE program areas: Agricultural Education; Business, Finance and Information Technology; Career Development; Family and Consumer Sciences; Health Science; Marketing and Entrepreneurship; Technology Engineering and Design; Trade and Industrial.

Local boards of education can contract with individuals to serve as adjunct instructors for specific CTE career clusters and meet the hiring criteria established by the SBE. The following requirements apply to the contract with the adjunct instructor (who is not required to hold or apply for a teaching license): (i) the employment cannot be for more than 10 hours per week; (ii) a criminal history check must be conducted; (iii) the adjunct instructor must complete preservice training that includes positive management of student behavior.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 275\*

Short Title: CTE Pilot for Guilford Co. Schools. (Public)

Sponsors: Representatives Hardister, Quick, Faircloth, and Clemmons (Primary Sponsors).

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

Referred to: Education - K-12, if favorable, Finance, if favorable, Appropriations, Education, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

March 6, 2019

A BILL TO BE ENTITLED  
AN ACT TO APPROPRIATE FUNDS TO GUILFORD COUNTY SCHOOLS TO  
ESTABLISH AND OPERATE AN INNOVATIVE SIGNATURE CAREER ACADEMY  
PROGRAM IN ITS TRADITIONAL HIGH SCHOOLS AND TO PROVIDE FOR A TAX  
CREDIT FOR CERTAIN PARTICIPANTS IN THE INNOVATIVE SIGNATURE  
CAREER ACADEMY PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Article 10 of Chapter 115C of the General Statutes is amended by  
adding a new Part to read:

"Part 5. Innovative Signature Career Academy Program.

**"§ 115C-173. Innovative Signature Career Academy Program.**

(a) Purpose. – There is established the Innovative Signature Career Academy Program (Program) as a pilot program for a local school administrative unit seeking to implement reform for its current career and technical education (CTE) program to more deliberately prepare its students for high-wage, high-skills careers. The Program shall focus on hosting signature career academies at traditional high schools located in the local school administrative unit that specialize in defined areas of career and technical education.

(b) Components of the Program. – The Program shall include at least the following key components in establishing a minimum of four but no more than six signature career academies at high schools in the local school administrative unit:

- (1) One school-selected priority career pathway that does not compete with career pathways at other signature career academies in the local school administrative unit in addition to CTE courses offered as elective options and business and computer science courses.
- (2) School and community stakeholder input on the development of the priority career pathways and the phase out of other CTE programs.
- (3) Partnerships with higher education institutions and business and industry entities for specific equipment needs and the design of clearly defined career pathways.
- (4) The option for eighth grade students to apply to attend a signature career academy of their choice at a high school located in the local school administrative unit.



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(5) Reassignment of current CTE teachers to focus on an area of expertise for a signature career academy and the creation of partnerships with higher education faculty and employees of industry and business to volunteer to serve as co-teachers in the specialized areas.

(c) Flexibility for Teachers. – Notwithstanding any other provision of law, in addition to the authority provided to a local board of education to employ adjunct instructors in career and technical education career clusters pursuant to G.S. 115C-157.1, the local school administrative unit shall have the flexibility to contract with individuals who have education and training related to the specific skills and career pathways that are the focus of a signature career academy. Any individual who has direct contact with students pursuant to the authority provided by this subsection 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.

(d) Reporting. – By June 30 of the first school year of operation of the Program, and every June 30 thereafter for the duration of the Program operated as a pilot, the local school administrative unit shall report to the Department of Public Instruction on (i) implementation and administration of the Program, including the use of additional resources provided as an appropriation of State funds specifically for the Program, (ii) data from the Program on student completion rates for career pathways and any other data requested by the Department, and (iii) any recommendations on the modification of the Program or the potential application of the Program in other local school administrative units.

By August 15 of the first year of reporting by a local school administrative unit under this subsection, and every August 15 thereafter for the duration of that Program operated as a pilot, the Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee on the information submitted by the local school administrative unit pursuant to this subsection.

(e) Term of the Program. – The Program may operate for up to six school years as a pilot program. Before the end of the school year in which the Program will expire as a pilot, the local board of education of the local school administrative unit operating the Program may apply to the State Board of Education for the Program to be included as an ongoing component of the career and technical education local plan submitted to the State Board of Education pursuant to G.S. 115C-154.1. The local school administrative unit shall continue to have (i) flexibility in regard to teachers as provided in subsection (c) of this section and (ii) the availability of the incentive tax credit set forth in G.S. 105-129.16K for any taxpayer who provides an employee who volunteers to serve as a co-teacher. The local board of education may request as part of the application that the General Assembly appropriate additional resources for the operation of the Program, but may continue to operate the Program if other sources of funds are available. The State Board shall consider the data submitted to the Department of Public Instruction on the operation of the Program pursuant to subsection (d) of this section when reviewing the Program to become a component of the career and technical education local plan."

**SECTION 1.(b)** Subsection (a) of this section applies only to the Guilford County School Administrative Unit.

**SECTION 2.** Article 3B of Subchapter I of Chapter 105 of the General Statutes is amended by adding a new section to read:

**"§ 105-129.16K. Career Academy incentive tax credit.**

A taxpayer with an employee who (i) volunteers as a co-teacher in a local school administrative unit for a full academic year in an Innovative Signature Career Academy Program (Program), as described in G.S. 115C-173, and (ii) receives no compensation for volunteering from the local school administrative unit, is allowed a credit equal to fifty percent (50%) of the compensation paid to the employee by the taxpayer for the time spent as a volunteer co-teacher."

**SECTION 3.** There is appropriated from the General Fund to the Department of Public Instruction the sum of one million five hundred thousand dollars (\$1,500,000) for each

1 fiscal year of the 2019-2021 fiscal biennium to be allocated to Guilford County Schools (GCS)  
2 for the purpose of establishing and operating an Innovative Signature Career Academy Program  
3 (Program) pursuant to G.S. 115C-173, as enacted by this act. GCS is authorized to operate the  
4 Program for at least six school years, beginning with the 2019-2020 school year, in accordance  
5 with G.S. 115C-173.

6 **SECTION 4.** Section 2 of this act is effective for taxable years beginning on or after  
7 January 1, 2019. The remainder of this act becomes effective July 1, 2019.







## HOUSE BILL 315: Instructional Material Selection.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 26, 2019
<b>Introduced by:</b>	Reps. Elmore, Arp, Johnson	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H315-CSTC-6		Committee Counsel

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**OVERVIEW:** *HB 315 would repeal the current process for textbook selection by the State Board of Education and would replace it with a process for local boards of education to select instructional materials. HB 315 would also create a process for individuals to challenge instructional materials as unfit, which could be appealed to the State Board of Education.*

*The PCS for HB 315 makes the following changes:*

- *Clarifies the definition of unfit materials to remove ambiguous language.*
- *Clarifies that teacher-created classroom materials do not have to be kept in the materials repository.*

**CURRENT LAW:** Part 3 of Article 8 of Chapter 115C of the General Statutes requires the State Board of Education (SBOE) to select and adopt textbooks that align to the standard course of study. A 23 member Textbook Commission, appointed by the Governor, evaluates proposed textbooks and reports to the SBOE on those textbooks. The Textbook Commission is composed of parents, teachers, principals, and superintendents, and members serve 4 year terms.

Following review by the Textbook Commission, the SBOE selects textbooks and requests sealed bids from publishers of those textbooks. Once received, the SBOE adopts textbooks and enters into a contract with publishers. The contracts must contain a clause that requires the publisher to match the price of the textbook to the lowest price offered anywhere else in the United States throughout the life of the contract, and must allow conversion of the materials into formats accessible to students with disabilities.

Local boards of education (local boards) also have authority to select and adopt textbooks and supplemental instructional materials for use within the local school administrative unit (LEA). Local boards may establish community media advisory committees to investigate and evaluate challenges to textbooks and supplementary instructional materials on the grounds that are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of students.

Local boards may not charge rental fees but may charge damage fees to parents or legal guardians. Parents have the right to purchase copies of textbooks and materials from the local board or SBOE.

G.S. 115C-81.30 allows parents the opportunity to review objectives and materials before students participate in a program that includes information on sexually transmitted diseases, avoidance of out-of-wedlock pregnancy, or reproductive health and safety programs.

Aren Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 315

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**BILL ANALYSIS:** The PCS for HB 315 would repeal the current statutes governing selection and adoption of textbooks and create a new process for local boards to adopt instructional materials as follows:

## Revision of Terms

- Eliminate the term "textbooks" and replaces it throughout the statutes with the term "instructional materials," defined to include both instructional materials in print and digital resources.

## Selection and Use of Instructional Materials

- Requires local boards to adopt instructional materials aligned with the standard course of study. Local boards may require experts employed by the local board of education and certified in the discipline in which the instructional material would be used to evaluate materials being considered for adoption. Local boards may also select supplemental materials.
- Local boards will use allocated funds to purchase, lease, or rent of instructional or supplemental materials and hardware, software, or other equipment necessary for the use of the instructional or supplemental materials. The local board of education will hold title to the materials and equipment. Local boards are encouraged to partner to jointly purchase materials. The contracts must contain a clause that allows conversion of the materials into formats accessible to students with disabilities. The local board must publish on its Web site the title, author, and publisher of all instructional and supplemental materials purchased by the local board of education.
- Local boards must provide instructional materials to students for free and may not charge a rental fee for the use of instructional materials or for hardware, software, or other equipment necessary for the use of the materials. Local boards may charge a damage fees for abuse or loss of materials or equipment necessary for the use of those materials. Damage fees must be used for the purchase of materials. Parents have the right to purchase any instructional material from the local board, and local boards have the right to dispose of discontinued instructional or supplemental materials.

## Health and Safety Programs

- Defines a health and safety program as instruction on reproductive health and safety, mental and emotional health, growth and development, or anti-bullying or anti-harassment. Requires a local board, when adopting, modifying, or amending materials for health and safety programs, to do the following:
  - Conduct a public hearing after providing notice at least 10 days prior.
  - Provide both electronic and written notice to all parents of students in the LEA of the public hearing and opportunity to review those materials in the program repository at least 60 days before the public hearing occurs. The parental notice must include a detailed description of the program's objectives and any proposed changes, written and audio materials that will be used, and a link or information on how to access the program repository.

## Materials Repository

- Local boards must maintain a continuous repository of current instructional and supplemental materials purchased by the local board, but are not require to include classroom materials developed by teachers. The repository must be maintained at a central location for in-person review by parents and the public upon request.

# House PCS 315

Page 3

- Additionally, a continuous repository of current objectives, entire curricula, texts, and all other materials used in any health and safety program must be maintained at a central location for in-person review by parents and the public upon request. Electronic copies and links of the current objectives, and names of curricula, texts, or any other materials used in any health and safety program must be posted to the LEA Web site for review by parents and the public, and the local board must add any items proposed for adoption, amendment, or modification to the health and safety program to the repository, and clearly indicate that status while the materials are under consideration.
- At least 14 days before students participate in a health and safety program, a local board must give both written and electronic notice to parents of students participating in that program of the right to review the items in the program repository. The notice must also inform parents of the local board's policy for participation in reproductive health and safety programs, when applicable, and provide a form that allows parents to exercise parental rights under that policy.

## Local Community Advisory Committees

- Local boards must establish a local community media advisory committee (local committee) to investigate and evaluate challenges from parents, teachers, and members of the public to instructional materials and supplemental materials on the grounds that they are unfit materials. Unfit materials are defined as materials that are (i) obscene, (ii) inappropriate to the age, maturity, or grade level of the students, or (iii) not aligned with the standard course of study. Challenges do not apply to optional supplemental materials available through the school library.
- Local committees must include, at a minimum, a principal, teacher, and parent each from a high school, middle school, and elementary school, respectively.
- Challenges must be made in writing to the local board, and specify the grounds for the challenge of the material as unfit. Within two weeks of the filing of the challenge, the local committee must hold a hearing and provide the challengers an opportunity to present their concerns. The local committee may request additional information at the hearing from experts on the subject matter employed by the LEA.
- Within two weeks of the hearing, the local committee must make a recommendation to the local board on whether the challenge has merit and whether the challenged material should be retained or removed as an unfit material. The local committee's determination is limited to considerations of whether the material is unfit.
- At the next meeting of the local board after the recommendation is received, the local board must determine whether the challenge has merit and whether the challenged material should be retained or removed as unfit material. If the local board determines that the challenged material should be retained, a challenger may appeal the local board's decision to the State Community Media Advisory Committee within 2 weeks.

## State Community Media Advisory Committee

- The SBOE must establish a State Community Media Advisory Committee (State Committee) to review appealed challenges from local committees. The SBOE will designate the form and manner of the appeals, and provide the local board a notice and a copy of any appeals made.
- The State Committee must include, as a minimum, the State Superintendent of Public Instruction, or designee, one superintendent of a local school administrative unit, and a principal, teacher, and parent, each, from a high school, middle school, and elementary school, respectively.

# House PCS 315

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- Within four weeks of the filing of the appeal, the State Committee must hold a hearing and provide the appellants an opportunity to present concerns to the State Committee, as well as the local board of education an opportunity to rebut those concerns. The State Committee may request additional information at the hearing from experts on the subject matter employed by the SBOE.
- Within two weeks of the hearing, the State Committee must make a recommendation to the SBOE on whether the appealed challenge has merit and whether the challenged material should be retained or removed as unfit material. The State Committee's determination is limited to considerations of whether the material is unfit.
- At the next meeting of the SBOE after the State Committee's recommendation is received, the State Board must determine whether the appealed challenge has merit and whether the challenged material should be retained or removed as unfit material. If the State Board of Education determines that challenged material must be removed, the local board must remove the material.
- The decision of the State Board of Education is final, and is not subject to appeal by the local board of education or challenger.

## **Instructional Materials Funding Allotment**

- Effective July 1, 2019, the existing Textbooks and Digital Resources funding allotment in the State Public School Fund would be designated as the Instructional Materials funding allotment in the State Public School Fund. The funds must be used to acquire instructional or supplemental materials and to acquire hardware, software, or other equipment necessary for the use of the instructional or supplemental materials.

## **Implementation**

- The SBOE may not enter into any new contracts or renew any existing contracts for textbooks or instructional materials. The SBOE must make available for purchase any textbooks or instructional materials available through existing contracts to local boards.
- Local boards may, by resolution, continue use of previously adopted State textbooks for a standard course of study until that standard course of study is revised by the State Board of Education.
- Local boards are not required to hold a public hearing for any health and safety program in use prior to the 2018-2019 school year, until that program is amended, modified, or replaced. Local boards must establish a program repository of current health and safety programs, for access to parents prior to the start of the 2019-2020 school year, and may not implement any program until that program is included in the repository.

**EFFECTIVE DATE:** HB 315 becomes effective July 1, 2019, and applies beginning with the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 315

Short Title: Instructional Material Selection.

(Public)

Sponsors: Representatives Elmore, Arp, and Johnson (Primary Sponsors).

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 11, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODERNIZE THE SELECTION OF INSTRUCTIONAL MATERIALS FOR  
NORTH CAROLINA PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 3 of Article 8 of Chapter 115C is repealed.

**SECTION 2.** Article 8 of Chapter 115C of the General Statutes is amended by adding  
a new Part to read:

"Part 3C. Selection of Instructional Material.

**"§ 115C-102.20. Definition of instructional materials.**

The following definitions apply in this Part:

- (1) Health and safety programs. – Any instruction, curricula, or materials intended to impart information or promote discussion or understanding regarding any of the following:
  - a. Reproductive health and safety, as provided in G.S. 115C-81.30(a)(1)-(13).
  - b. Mental and emotional health, as provided in G.S. 115C-81.25(c)(1).
  - c. Growth and development, as provided in G.S. 115C-81.25(c)(9).
  - d. Anti-bullying or anti-harassment.
- (2) Instructional materials. – Systematically organized material comprehensive enough to cover the primary objectives outlined in the standard course of study for a grade or course. Formats for instructional materials may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, or digital resources that require the use of electronic equipment in order to be used in the learning process.
- (3) Local committee. – A local community media advisory committee.
- (4) Parent. – A student's parent or legal guardian.
- (5) State Committee. – The State Community Media Advisory Committee.
- (6) Supplemental materials. – Educational materials that supplement specific instruction for the standard course of study for a grade or course or general education needs of the school. Supplemental materials may include textbooks, library books, periodicals, audiovisual materials, and other supplemental instructional materials needed for instructional purposes in the local school administrative unit. Supplemental materials may be print or nonprint, including hardbound books, softbound books, activity-oriented programs,





classroom kits, or digital resources that require the use of electronic equipment in order to be used in the learning process.

- (7) Unfit materials. – Instructional or supplemental materials determined to be inappropriate for use in an elementary or secondary school because the material is either educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students.

**"§ 115C-102.25. Selection of instructional materials.**

(a) Local Board Adoption. – Local boards of education shall select and adopt instructional materials for each standard course of study at each instructional level in the elementary school and the secondary school adopted by the State Board of Education as provided in Part 1 of Article 8 of this Chapter.

(b) Evaluation of Instructional Materials Prior to Adoption. – For each standard course of study, the local board of education may require experts employed by the local board of education and certified in the discipline in which the instructional material would be used to offer evaluation reports to the local board on materials being considered for adoption. Such evaluation reports should give special consideration to the suitability of the instructional materials to the instructional level for which it is offered, the content or subject matter, whether the instructional materials is aligned with the standard course of study, and other criteria prescribed by the local board.

**"§ 115C-102.30. Selection of supplemental materials.**

(a) Local boards of education shall adopt written policies concerning the procedures to be followed in their local school administrative units for the selection and procurement of supplemental materials. Local boards of education shall have sole authority to select and procure supplemental materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day.

(b) Supplemental materials shall neither displace nor be used to the exclusion of instructional materials.

**"§ 115C-102.35. Selection of health and safety instructional and supplemental materials.**

(a) When adopting, modifying, or amending a health and safety program and the instructional and supplemental materials for that program, a local board of education shall conduct a public hearing after adequately notifying the public at least 10 days prior to the hearing.

(b) The local board of education shall also provide both electronic and written notice to all parents of students in the local school administrative unit of the public hearing and the opportunity to review those materials in the program repository, as provided in G.S. 115C-102.50, at least 60 days before the public hearing occurs.

(c) The notice to parents provided for in subsection (b) of this section shall include the following in both written and electronic form:

- (1) A detailed description of the program's objectives and any proposed changes, including any topics that the local board of education determines that a reasonable parent in that community may wish to examine as to the age appropriateness of the topics.
- (2) All written and audio materials that will be used.
- (3) A link to, or information on how to access, the program repository on the local school administrative unit's Web site, as provided in G.S. 115C-102.50.

**"§ 115C-102.40. Purchase of instructional and supplemental materials.**

(a) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the local school administrative units shall be used by the local board of education for purchase, lease, or rental of instructional or supplemental materials and for hardware, software, or other equipment necessary for the use of the instructional or

supplemental materials. The title of those materials and equipment shall be vested in the local board of education.

(b) Local boards of education are encouraged to partner with other local boards of education and other public schools to jointly purchase instructional and supplemental materials.

(c) All instructional materials purchased with State funds shall include a clause granting to the local board of education the license to produce braille, large print, and audio recording copies of the instructional materials for use in the local school administrative unit.

(d) The local board of education shall publish on the Web site of the local school administrative unit the title, author, and publisher of all instructional and supplemental materials purchased by the local board of education.

**"§ 115C-102.45. Provision and maintenance of instructional and supplemental materials.**

(a) The students of the public elementary and secondary schools of the State shall be provided with free instructional materials within the appropriation of the General Assembly for that purpose. The local board shall provide for the free use by students, with proper care and return, of elementary and secondary instructional materials. No local board of education may charge any pupil a rental fee for the use of instructional materials or for hardware, software, or other equipment necessary for the use of the instructional or supplemental materials.

(b) Local boards of education shall provide adequate and safe storage facilities for the proper care of instructional and supplemental materials and emphasize to all students the necessity for proper care of instructional and supplemental materials and equipment necessary for the use of the instructional materials.

(c) A pupil's parents or legal guardians may be charged damage fees for abuse or loss of instructional or supplemental materials or equipment necessary for the use of those materials under rules adopted by the local board of education. Damage fees collected under this subsection shall be used by the local board of education for purchase of instructional and supplemental materials as provided in G.S. 115C-120.40.

**"§ 115C-102.50. Instructional materials repository.**

(a) A local board of education shall maintain a continuous repository of current instructional and supplemental materials that have been purchased by the local board of education. The materials shall be maintained at a central location for in-person review by parents and the public upon request, and the names of all those materials shall be posted to the local school administrative unit's Web site for review by parents and the public.

(b) In addition to the requirements of subsection (a) of this section, a local board of education shall also maintain a continuous repository of current objectives, entire curricula, texts, and all other materials used in any health and safety program as follows:

(1) The current objectives, entire curricula, texts, and all other materials used in any health and safety program shall be maintained at a central location for in-person review by parents and the public upon request.

(2) Electronic copies of the current objectives, and names of curricula, texts, or any other materials used in any health and safety program shall be posted to the local school administrative unit's Web site for review by parents and the public. The Web site shall also include the curricula, texts, and any other materials used in the health and safety program, including links to any materials available on the publisher's Web site.

(3) The local board of education shall add to the central location and electronic repository any objectives, curricula, texts, and other materials that may be proposed for adoption, amendment, or modification to the health and safety program, and shall clearly indicate that status while the materials are under consideration.

(c) Each school year, at least 14 days before students participate in a health and safety program, a local board of education shall give both written and electronic notice to parents of



1 students participating in that program of the right of parents to review the objectives, complete  
2 materials, and entire curriculum of that program in the program repository maintained by the  
3 local board of education, as provided in subsection (b) of this section. The notice shall include  
4 the same information provided under G.S. 115C-102.35(c). The notice shall also inform parents  
5 of the local board's policy for participation in reproductive health and safety programs, as  
6 established in G.S. 115C-81.30(c), when applicable, and provide a form that allows parents to  
7 exercise parental rights under that policy.

8 **"§ 115C-102.55. Right to purchase; disposal of textbooks and materials.**

9 (a) Any parent, guardian, or person in loco parentis may purchase any instructional  
10 material needed for any student in the public schools of the State from the board of education of  
11 the local school administrative unit in which the child is enrolled.

12 (b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4),  
13 or any other provision of law, a local board of education may dispose of discontinued  
14 instructional or supplemental materials.

15 **"§ 115C-102.60. Local community media advisory committee.**

16 (a) A local board of education shall establish a local community media advisory  
17 committee to investigate and evaluate challenges from parents, teachers, and members of the  
18 public to instructional materials and supplemental materials on the grounds that they are unfit  
19 materials.

20 (b) The local committee shall, at a minimum, include the following:

21 (1) A principal from a high school, middle school, and elementary school,  
22 respectively.

23 (2) A teacher from a high school, middle school, and elementary school,  
24 respectively.

25 (3) A parent of a student in high school, middle school, and elementary school,  
26 respectively.

27 (c) Individuals challenging unfit materials shall make challenges in writing to the local  
28 board of education and shall specify whether the materials are being challenged on the grounds  
29 of being educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or  
30 grade level of the students.

31 (d) Within two weeks of the filing of the challenge, the local committee shall hold a  
32 hearing and provide the challengers an opportunity to present their concerns to the local  
33 committee. The local committee may, in the local committee's discretion, request additional  
34 information at the hearing from experts on the subject matter employed by the local school  
35 administrative unit. Within two weeks of the hearing, the local committee shall make a  
36 recommendation to the local board of education on whether the challenge has merit and whether  
37 the challenged material should be retained or removed as an unfit material. The local committee's  
38 determination shall be limited to considerations of whether the material is unfit on the specific  
39 grounds of the material being educationally unsuitable, pervasively vulgar, or inappropriate to  
40 the age, maturity, or grade level of the students.

41 (e) At the next meeting of the local board of education after the local committee's  
42 recommendation is received, the local board shall determine whether the challenge has merit and  
43 whether the challenged material should be retained or removed as unfit material.

44 (f) If the local board of education determines that the challenged material shall be  
45 retained, a challenger may appeal the local board's decision to the State Community Media  
46 Advisory Committee. The challenger must make the appeal in the form and manner designated  
47 by the State Board of Education within two weeks of the local board's decision.

48 **"§ 115C-102.65. State Community Media Advisory Committee.**

49 (a) The State Board of Education shall establish a State Community Media Advisory  
50 Committee to review challenges to instructional and supplemental materials appealed under  
51 G.S. 115C-102.55.



(b) The State Committee shall, at a minimum, include the following:

(1) The State Superintendent of Public Instruction, or designee.

(2) One superintendent of a local school administrative unit.

(3) A principal from a high school, middle school, and elementary school, respectively.

(4) A teacher from a high school, middle school, and elementary school, respectively.

(5) A parent of a student in high school, middle school, and elementary school, respectively.

(c) A member of the State Committee may be recused from any challenge to materials used in the local school administrative unit in which the member is employed or in which the member's child is enrolled.

(d) The State Board of Education shall designate the form and manner for appeals to be made to the State Committee. Upon receipt of an appeal, notice and a copy of the appeal shall be provided to the local board of education.

(e) Within four weeks of the filing of the appeal, the State Committee shall hold a hearing and provide the appellants an opportunity to present concerns to the State Committee as well as the local board of education an opportunity to rebut those concerns. The State Committee may, in the State Committee's discretion, request additional information at the hearing from experts on the subject matter employed by the State Board of Education. Within two weeks of the hearing, the State Committee shall make a recommendation to the State Board of Education on whether the appealed challenge has merit and whether the challenged material should be retained or removed as unfit material. The State Committee's determination shall be limited to considerations of whether the material is unfit on the specific grounds of the material being educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students.

(f) At the next meeting of the State Board of Education after the State Committee's recommendation is received, the State Board shall determine whether the appealed challenge has merit and whether the challenged material should be retained or removed as unfit material. If the State Board of Education determines that challenged material shall be removed, the local board of education shall remove the material. The decision of the State Board of Education is final, and is not subject to appeal by the local board of education or challenger."

**SECTION 3.(a)** G.S. 115C-11(d) reads as rewritten:

"(d) Voting. – No voting by proxy shall be permitted. ~~Except in voting on textbook adoptions, a~~ A majority of those present and voting shall be necessary to carry a motion and a roll call vote shall be had on each motion. A record of all such votes shall be kept in the minute book."

**SECTION 3.(b)** G.S. 115C-11(e) is repealed.

**SECTION 3.(c)** G.S. 115C-12(9)b. is repealed.

**SECTION 3.(d)** G.S. 115C-12(9c)c. reads as rewritten:

"c. The Board also shall develop and implement an ongoing process to align State programs and support materials with the revised academic content standards for each core academic area on a regular basis. Alignment shall include revising ~~textbook criteria~~, support materials, State tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards. The Board shall develop and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards. The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree

programs, ongoing professional development, and other university activity in the State's public schools align with the State Board's priorities."

**SECTION 3.(e)** G.S. 115C-12(18)d. reads as rewritten:

"d. The State Board of Education shall modify the Uniform Education Reporting System to provide clear, accurate, and standard information on the use of funds at the unit and school level. The plan shall provide information that will enable the General Assembly to determine State, local, and federal expenditures for personnel at the unit and school level. The plan also shall allow the tracking of expenditures for ~~textbooks,~~ instructional materials, educational supplies and equipment, capital outlay, at-risk students, and other purposes."

**SECTION 3.(f)** G.S. 115C-47(6) reads as rewritten:

"(6) To Regulate Fees, Charges and Solicitations. – Local boards of education shall adopt rules and regulations governing solicitations of, sales to, and fund-raising activities conducted by, the students and faculty members in schools under their jurisdiction, and no fees, charges, or costs shall be collected from students and school personnel without approval of the board of education as recorded in the minutes of said board; ~~provided, this subdivision shall not apply to such textbooks fees as are determined and established by the State Board of Education.~~ board. All schedules of fees, charges and solicitations approved by local boards of education shall be reported to the Superintendent of Public Instruction."

**SECTION 3.(g)** G.S. 115C-47(33) reads as rewritten:

"(33) To Approve and Use Supplemental Materials. – Local boards of education shall have sole authority to select and procure ~~supplementary instructional supplemental~~ supplemental materials, whether or not the materials contain commercial advertising, pursuant to the provisions of ~~G.S. 115C-98(b).Part 3C of Article 8 of this Chapter.~~"

**SECTION 3.(h)** G.S. 115C-47(33a) reads as rewritten:

"(33a) To Approve and Use ~~Textbooks Not Adopted by State Board of Education.~~ Instructional Materials. – Local boards of education shall have the sole authority to select, procure, and use ~~textbooks not adopted by the State Board of Education~~ instructional materials as provided in ~~G.S. 115C-98(b1).Part 3C of Article 8 of this Chapter.~~"

**SECTION 3.(i)** G.S. 115C-75.10(c) reads as rewritten:

"(c) Funding Memorandum of Understanding. – The IS operator, in consultation with the ISD Superintendent, may enter into a funding memorandum of understanding with the local board of education of the local school administrative unit where the innovative school is located for all student support and operational services and instructional services to be provided by the local board of education in the same manner and degree as in the prior school year or funding in an amount equivalent to the amount the local board of education would have expended on those services if provided. For the purposes of this subsection, student support and operational services include cafeteria services, custodial services, broadband and utilities, and student information services, and instructional services include alternative education, special education services, test administration services, ~~textbooks,~~ instructional materials, technology, media resources, instructional equipment, and other resources. The IS operator and local board of education shall finalize the funding memorandum of understanding within 30 days of the initial request for the memorandum by the IS operator. If the parties have not completed the funding memorandum of understanding within 30 days, the State Board of Education shall resolve any issues in dispute."

**SECTION 3.(j)** G.S. 115C-81.5(b)(3) is repealed.

1           **SECTION 3.(k)** G.S. 115C-81.25(b)(3) is repealed.

2           **SECTION 3.(l)** G.S. 115C-81.25(d) reads as rewritten:

3           "(d) Parental Review. – The State Board of Education shall make available to all local  
4 school administrative units for review by the parents and legal guardians of students enrolled at  
5 those units any State-developed objectives for instruction ~~any approved textbooks~~, the list of  
6 reviewed materials, and any other State-developed or approved materials that pertain to or are  
7 intended to impart information or promote discussion or understanding in regard to the  
8 prevention of sexually transmitted diseases, including HIV/AIDS, to the avoidance of  
9 out-of-wedlock pregnancy, or to the reproductive health and safety education curriculum. The  
10 review period shall extend for at least 60 days before use."

11           **SECTION 3.(m)** G.S. 115C-242(3) reads as rewritten:

12           "(3) The board of education of any local school administrative unit may operate  
13 the school buses of such unit one day prior to the opening of the regular school  
14 term for the transportation of pupils and employees to and from the school to  
15 which such pupils are assigned or in which they are enrolled and such  
16 employees are employed, for the purposes of the registration of students, the  
17 organization of classes, the distribution of ~~textbooks~~, instructional materials,  
18 and such other purposes as will, in the opinion of the superintendent of the  
19 schools of such unit, promote the efficient organization and operation of such  
20 public schools."

21           **SECTION 3.(n)** G.S. 115C-271(d)(2) reads as rewritten:

22           "(2) Local funds appropriated for teachers, ~~textbooks~~, instructional materials, or  
23 classroom materials, supplies, and equipment are not transferred or used for  
24 this purpose."

25           **SECTION 3.(o)** G.S. 115C-384(c) reads as rewritten:

26           "(c) Rental Fees for ~~Textbooks—Instructional Materials~~ Prohibited; Damage Fees  
27 Authorized. – No rental fees are permitted for the use of ~~textbooks~~, instructional materials, but  
28 damage fees may be collected pursuant to the provisions of ~~G.S. 115C-100~~. G.S. 115C-102.45."

29           **SECTION 3.(p)** G.S. 115C-390.2(l)(1) reads as rewritten:

30           "(1) The opportunity to take ~~textbooks~~ instructional materials and school-furnished  
31 digital devices home for the duration of the absence."

32           **SECTION 3.(q)** G.S. 115C-390.5(c)(1) reads as rewritten:

33           "(1) The opportunity to take ~~textbooks~~ instructional materials home for the  
34 duration of the suspension."

35           **SECTION 3.(r)** G.S. 115C-398 reads as rewritten:

36           **"§ 115C-398. Damage to school buildings, furnishings, textbooks.**

37           Students and their parents or legal guardians may be liable for damage to school buildings,  
38 furnishings and ~~textbooks~~ instructional materials pursuant to the provisions of G.S. 115C-523,  
39 115C-100 and 14-132."

40           **SECTION 3.(s)** G.S. 143A-48 is repealed.

41           **SECTION 3.(t)** G.S. 143C-9-7(b) reads as rewritten:

42           "(b) Upon appropriation by the General Assembly, funds received in the Indian Gaming  
43 Education Revenue Fund shall be allocated quarterly by the State Board of Education to local  
44 school administrative units, charter schools, and regional schools on the basis of allotted average  
45 daily membership. The funds allotted by the State Board of Education pursuant to this section  
46 shall be nonreverting. Funds received pursuant to this section by local school administrative units  
47 shall be expended for classroom teachers, teacher assistants, classroom materials or supplies, or  
48 ~~textbooks~~ instructional materials."

49           **SECTION 4.(a)** Effective July 1, 2019, the existing Textbooks and Digital  
50 Resources funding allotment in the State Public School Fund shall be designated as the  
51 Instructional Materials funding allotment in the State Public School Fund. The State Board of

1 Education shall establish the purposes for which the funds within the new Instructional Materials  
2 funding allotment may be used for as follows: (i) to acquire instructional or supplemental  
3 materials as defined in G.S. 115C-102.20, as enacted by this act, and (ii) to acquire hardware,  
4 software, or other equipment necessary for the use of the instructional or supplemental materials.

5 **SECTION 4.(b)** G.S. 115C-105.25(b)(12) reads as rewritten:

6 "(12) Funds allotted for ~~textbooks and digital resources~~ instructional materials may  
7 only be used for the purchase of ~~textbooks and digital resources~~ instructional  
8 and supplemental materials, as defined in G.S. 115C-102.20, and to acquire  
9 hardware, software, or other equipment necessary for the use of the  
10 instructional or supplemental materials. These funds shall not be transferred  
11 out of the allotment for any other purpose."

12 **SECTION 5.** G.S. 115C-81.30(c) reads as rewritten:

13 "(c) Parental Review and Consent. – Each school year, before students may participate in  
14 any portion of (i) a program that pertains to or is intended to impart information or promote  
15 discussion or understanding in regard to the prevention of sexually transmitted diseases,  
16 including HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy or (ii) a reproductive  
17 health and safety education program, whether developed by the State or by the local board of  
18 education, the parents and legal guardians of those students shall be given an opportunity to  
19 review the objectives and materials in the instructional materials repository, as provided in  
20 ~~G.S. 115C-81.25(d)~~ G.S. 115C-102.50. Local boards of education shall adopt policies to provide  
21 opportunities either for parents and legal guardians to consent or for parents and legal guardians  
22 to withhold their consent to the students' participation in any or all of these programs."

23 **SECTION 6.** The State Board of Education shall not enter into any new contracts  
24 for textbooks or instructional materials and shall not renew any existing contracts for textbooks  
25 or instructional materials. The State Board of Education shall make available for purchase any  
26 textbooks or instructional materials available through existing contracts to local boards of  
27 education.

28 **SECTION 7.** Notwithstanding G.S. 115C-102.25, as enacted by this act, a local  
29 board of education may, by resolution, continue use of previously adopted State textbooks for a  
30 standard course of study until that standard course of study is revised by the State Board of  
31 Education.

32 **SECTION 8.** No local board of education shall be required to hold a public hearing  
33 for any health and safety program, as defined in G.S. 115C-102.20, as enacted by this act, in use  
34 prior to the 2018-2019 school year, until that program is amended, modified, or replaced. All  
35 local boards of education shall establish a program repository of current health and safety  
36 programs, as required by G.S. 115C-102.50, as enacted by this act, for access to parents prior to  
37 the start of the 2019-2020 school year, and shall not implement any program until that program  
38 is included in the repository.

39 **SECTION 9.** This act becomes effective July 1, 2019, and applies beginning with  
40 the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 315  
PROPOSED COMMITTEE SUBSTITUTE H315-CSTC-6 [v.4]

03/25/2019 07:01:57 PM

Short Title: Instructional Material Selection.

(Public)

Sponsors:

Referred to:

March 11, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODERNIZE THE SELECTION OF INSTRUCTIONAL MATERIALS FOR  
NORTH CAROLINA PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 3 of Article 8 of Chapter 115C is repealed.

**SECTION 2.** Article 8 of Chapter 115C of the General Statutes is amended by adding  
a new Part to read:

"Part 3C. Selection of Instructional Material.

**"§ 115C-102.20. Definition of instructional materials.**

The following definitions apply in this Part:

- (1) Health and safety programs. – Any instruction, curricula, or materials intended to impart information or promote discussion or understanding regarding any of the following:
  - a. Reproductive health and safety, as provided in G.S. 115C-81.30(a)(1)-(13).
  - b. Mental and emotional health, as provided in G.S. 115C-81.25(c)(1).
  - c. Growth and development, as provided in G.S. 115C-81.25(c)(9).
  - d. Anti-bullying or anti-harassment.
- (2) Instructional materials. – Systematically organized material comprehensive enough to cover the primary objectives outlined in the standard course of study for a grade or course. Formats for instructional materials may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, or digital resources that require the use of electronic equipment in order to be used in the learning process.
- (3) Local committee. – A local community media advisory committee.
- (4) Parent. – A student's parent or legal guardian.
- (5) State Committee. – The State Community Media Advisory Committee.
- (6) Supplemental materials. – Educational materials that supplement specific instruction for the standard course of study for a grade or course or general education needs of the school. Supplemental materials may include textbooks, library books, periodicals, audiovisual materials, and other supplemental instructional materials needed for instructional purposes in the local school administrative unit. Supplemental materials may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, or digital resources that require the use of electronic equipment in order to be used in the learning process.





- (7) Unfit materials. – Instructional or supplemental materials determined to be inappropriate for use in an elementary or secondary school because the material is either (i) obscene, (ii) inappropriate to the age, maturity, or grade level of the students, or (iii) not aligned with the standard course of study.

**"§ 115C-102.25. Selection of instructional materials.**

(a) Local Board Adoption. – Local boards of education shall select and adopt instructional materials for each standard course of study at each instructional level in the elementary school and the secondary school adopted by the State Board of Education as provided in Part 1 of Article 8 of this Chapter.

(b) Evaluation of Instructional Materials Prior to Adoption. – For each standard course of study, the local board of education may require experts employed by the local board of education and certified in the discipline in which the instructional material would be used to offer evaluation reports to the local board on materials being considered for adoption. Such evaluation reports should give special consideration to the suitability of the instructional materials to the instructional level for which it is offered, the content or subject matter, whether the instructional materials is aligned with the standard course of study, and other criteria prescribed by the local board.

**"§ 115C-102.30. Selection of supplemental materials.**

(a) Local boards of education shall adopt written policies concerning the procedures to be followed in their local school administrative units for the selection and procurement of supplemental materials. Local boards of education shall have sole authority to select and procure supplemental materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day.

(b) Supplemental materials shall neither displace nor be used to the exclusion of instructional materials.

**"§ 115C-102.35. Selection of health and safety instructional and supplemental materials.**

(a) When adopting, modifying, or amending a health and safety program and the instructional and supplemental materials for that program, a local board of education shall conduct a public hearing after adequately notifying the public at least 10 days prior to the hearing.

(b) The local board of education shall also provide both electronic and written notice to all parents of students in the local school administrative unit of the public hearing and the opportunity to review those materials in the program repository, as provided in G.S. 115C-102.50, at least 60 days before the public hearing occurs.

(c) The notice to parents provided for in subsection (b) of this section shall include the following in both written and electronic form:

(1) A detailed description of the program's objectives and any proposed changes, including any topics that the local board of education determines that a reasonable parent in that community may wish to examine as to the age appropriateness of the topics.

(2) All written and audio materials that will be used.

(3) A link to, or information on how to access, the program repository on the local school administrative unit's Web site, as provided in G.S. 115C-102.50.

**"§ 115C-102.40. Purchase of instructional and supplemental materials.**

(a) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the local school administrative units shall be used by the local board of education for purchase, lease, or rental of instructional or supplemental materials and for hardware, software, or other equipment necessary for the use of the instructional or supplemental materials. The title of those materials and equipment shall be vested in the local board of education.

(b) Local boards of education are encouraged to partner with other local boards of education and other public schools to jointly purchase instructional and supplemental materials.

(c) All instructional materials purchased with State funds shall include a clause granting to the local board of education the license to produce braille, large print, and audio recording copies of the instructional materials for use in the local school administrative unit.

(d) The local board of education shall publish on the Web site of the local school administrative unit the title, author, and publisher of all instructional and supplemental materials purchased by the local board of education.

**"§ 115C-102.45. Provision and maintenance of instructional and supplemental materials.**

(a) The students of the public elementary and secondary schools of the State shall be provided with free instructional materials within the appropriation of the General Assembly for that purpose. The local board shall provide for the free use by students, with proper care and return, of elementary and secondary instructional materials. No local board of education may charge any pupil a rental fee for the use of instructional materials or for hardware, software, or other equipment necessary for the use of the instructional or supplemental materials.

(b) Local boards of education shall provide adequate and safe storage facilities for the proper care of instructional and supplemental materials and emphasize to all students the necessity for proper care of instructional and supplemental materials and equipment necessary for the use of the instructional materials.

(c) A pupil's parents or legal guardians may be charged damage fees for abuse or loss of instructional or supplemental materials or equipment necessary for the use of those materials under rules adopted by the local board of education. Damage fees collected under this subsection shall be used by the local board of education for purchase of instructional and supplemental materials as provided in G.S. 115C-120.40.

**"§ 115C-102.50. Instructional materials repository.**

(a) A local board of education shall maintain a continuous repository of current instructional and supplemental materials that have been selected and purchased by the local board of education pursuant to this Article. The repository shall not be required to include classroom materials developed by teachers. The materials shall be maintained at a central location for in-person review by parents and the public upon request, and the names of all those materials shall be posted to the local school administrative unit's Web site for review by parents and the public.

(b) In addition to the requirements of subsection (a) of this section, a local board of education shall also maintain a continuous repository of current objectives, entire curricula, texts, and all other materials used in any health and safety program as follows:

(1) The current objectives, entire curricula, texts, and all other materials used in any health and safety program shall be maintained at a central location for in-person review by parents and the public upon request.

(2) Electronic copies of the current objectives, and names of curricula, texts, or any other materials used in any health and safety program shall be posted to the local school administrative unit's Web site for review by parents and the public. The Web site shall also include the curricula, texts, and any other materials used in the health and safety program, including links to any materials available on the publisher's Web site.

(3) The local board of education shall add to the central location and electronic repository any objectives, curricula, texts, and other materials that may be proposed for adoption, amendment, or modification to the health and safety program, and shall clearly indicate that status while the materials are under consideration.

(c) Each school year, at least 14 days before students participate in a health and safety program, a local board of education shall give both written and electronic notice to parents of

1 students participating in that program of the right of parents to review the objectives, complete  
2 materials, and entire curriculum of that program in the program repository maintained by the  
3 local board of education, as provided in subsection (b) of this section. The notice shall include  
4 the same information provided under G.S. 115C-102.35(c). The notice shall also inform parents  
5 of the local board's policy for participation in reproductive health and safety programs, as  
6 established in G.S. 115C-81.30(c), when applicable, and provide a form that allows parents to  
7 exercise parental rights under that policy.

8 **"§ 115C-102.55. Right to purchase; disposal of textbooks and materials.**

9 (a) Any parent, guardian, or person in loco parentis may purchase any instructional  
10 material needed for any student in the public schools of the State from the board of education of  
11 the local school administrative unit in which the child is enrolled.

12 (b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4),  
13 or any other provision of law, a local board of education may dispose of discontinued  
14 instructional or supplemental materials.

15 **"§ 115C-102.60. Local community media advisory committee.**

16 (a) A local board of education shall establish a local community media advisory  
17 committee to investigate and evaluate challenges from parents, teachers, and members of the  
18 public to instructional materials and supplemental materials on the grounds that they are unfit  
19 materials. This section does not apply to optional supplemental materials available through the  
20 school library.

21 (b) The local committee shall, at a minimum, include the following:

22 (1) A principal from a high school, middle school, and elementary school,  
23 respectively.

24 (2) A teacher from a high school, middle school, and elementary school,  
25 respectively.

26 (3) A parent of a student in high school, middle school, and elementary school,  
27 respectively.

28 (c) Individuals challenging unfit materials shall make challenges in writing to the local  
29 board of education and shall specify whether the materials are being challenged on the grounds  
30 of being (i) obscene, (ii) inappropriate to the age, maturity, or grade level of the students, or (iii)  
31 not aligned with the standard course of study.

32 (d) Within two weeks of the filing of the challenge, the local committee shall hold a  
33 hearing and provide the challengers an opportunity to present their concerns to the local  
34 committee. The local committee may, in the local committee's discretion, request additional  
35 information at the hearing from experts on the subject matter employed by the local school  
36 administrative unit. Within two weeks of the hearing, the local committee shall make a  
37 recommendation to the local board of education on whether the challenge has merit and whether  
38 the challenged material should be retained or removed as an unfit material. The local committee's  
39 determination shall be limited to considerations of whether the material is unfit on the specific  
40 grounds of the material being (i) obscene, (ii) inappropriate to the age, maturity, or grade level  
41 of the students, or (iii) not aligned with the standard course of study.

42 (e) At the next meeting of the local board of education after the local committee's  
43 recommendation is received, the local board shall determine whether the challenge has merit and  
44 whether the challenged material should be retained or removed as unfit material.

45 (f) If the local board of education determines that the challenged material shall be  
46 retained, a challenger may appeal the local board's decision to the State Community Media  
47 Advisory Committee. The challenger must make the appeal in the form and manner designated  
48 by the State Board of Education within two weeks of the local board's decision.

49 **"§ 115C-102.65. State Community Media Advisory Committee.**



1       (a)     The State Board of Education shall establish a State Community Media Advisory  
2 Committee to review challenges to instructional and supplemental materials appealed under  
3 G.S. 115C-102.55.

4       (b)     The State Committee shall, at a minimum, include the following:

5           (1)     The State Superintendent of Public Instruction, or designee.

6           (2)     One superintendent of a local school administrative unit.

7           (3)     A principal from a high school, middle school, and elementary school,  
8 respectively.

9           (4)     A teacher from a high school, middle school, and elementary school,  
10 respectively.

11           (5)     A parent of a student in high school, middle school, and elementary school,  
12 respectively.

13       (c)     A member of the State Committee may be recused from any challenge to materials  
14 used in the local school administrative unit in which the member is employed or in which the  
15 member's child is enrolled.

16       (d)     The State Board of Education shall designate the form and manner for appeals to be  
17 made to the State Committee. Upon receipt of an appeal, notice and a copy of the appeal shall be  
18 provided to the local board of education.

19       (e)     Within four weeks of the filing of the appeal, the State Committee shall hold a hearing  
20 and provide the appellants an opportunity to present concerns to the State Committee as well as  
21 the local board of education an opportunity to rebut those concerns. The State Committee may,  
22 in the State Committee's discretion, request additional information at the hearing from experts on  
23 the subject matter employed by the State Board of Education. Within two weeks of the hearing,  
24 the State Committee shall make a recommendation to the State Board of Education on whether  
25 the appealed challenge has merit and whether the challenged material should be retained or  
26 removed as unfit material. The State Committee's determination shall be limited to considerations  
27 of whether the material is unfit on the specific grounds of the material being (i) obscene, (ii)  
28 inappropriate to the age, maturity, or grade level of the students, or (iii) not aligned with the  
29 standard course of study.

30       (f)     At the next meeting of the State Board of Education after the State Committee's  
31 recommendation is received, the State Board shall determine whether the appealed challenge has  
32 merit and whether the challenged material should be retained or removed as unfit material. If the  
33 State Board of Education determines that challenged material shall be removed, the local board  
34 of education shall remove the material. The decision of the State Board of Education is final, and  
35 is not subject to appeal by the local board of education or challenger."

36       **SECTION 3.(a)** G.S. 115C-11(d) reads as rewritten:

37       "(d)     Voting. – No voting by proxy shall be permitted. ~~Except in voting on textbook~~  
38 ~~adoptions, a~~ A majority of those present and voting shall be necessary to carry a motion and a  
39 roll call vote shall be had on each motion. A record of all such votes shall be kept in the minute  
40 book."

41       **SECTION 3.(b)** G.S. 115C-11(e) is repealed.

42       **SECTION 3.(c)** G.S. 115C-12(9)b. is repealed.

43       **SECTION 3.(d)** G.S. 115C-12(9c)c. reads as rewritten:

44       "c.     The Board also shall develop and implement an ongoing process to  
45 align State programs and support materials with the revised academic  
46 content standards for each core academic area on a regular basis.  
47 Alignment shall include revising ~~textbook criteria~~, support materials,  
48 State tests, teacher and school administrator preparation, and ongoing  
49 professional development programs to be compatible with content  
50 standards. The Board shall develop and make available to teachers and  
51 parents support materials, including teacher and parent guides, for

academic content standards. The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree programs, ongoing professional development, and other university activity in the State's public schools align with the State Board's priorities."

**SECTION 3.(e)** G.S. 115C-12(18)d. reads as rewritten:

"d. The State Board of Education shall modify the Uniform Education Reporting System to provide clear, accurate, and standard information on the use of funds at the unit and school level. The plan shall provide information that will enable the General Assembly to determine State, local, and federal expenditures for personnel at the unit and school level. The plan also shall allow the tracking of expenditures for textbooks, instructional materials, educational supplies and equipment, capital outlay, at-risk students, and other purposes."

**SECTION 3.(f)** G.S. 115C-47(6) reads as rewritten:

"(6) To Regulate Fees, Charges and Solicitations. – Local boards of education shall adopt rules and regulations governing solicitations of, sales to, and fund-raising activities conducted by, the students and faculty members in schools under their jurisdiction, and no fees, charges, or costs shall be collected from students and school personnel without approval of the board of education as recorded in the minutes of said board; ~~provided, this subdivision shall not apply to such textbooks fees as are determined and established by the State Board of Education.~~ board. All schedules of fees, charges and solicitations approved by local boards of education shall be reported to the Superintendent of Public Instruction."

**SECTION 3.(g)** G.S. 115C-47(33) reads as rewritten:

"(33) To Approve and Use Supplemental Materials. – Local boards of education shall have sole authority to select and procure ~~supplementary instructional~~ supplemental materials, whether or not the materials contain commercial advertising, pursuant to the provisions of ~~G.S. 115C-98(b).~~ Part 3C of Article 8 of this Chapter."

**SECTION 3.(h)** G.S. 115C-47(33a) reads as rewritten:

"(33a) To Approve and Use ~~Textbooks Not Adopted by State Board of Education.~~ Instructional Materials. – Local boards of education shall have the sole authority to select, procure, and use ~~textbooks not adopted by the State Board of Education~~ instructional materials as provided in ~~G.S. 115C-98(b1).~~ Part 3C of Article 8 of this Chapter."

**SECTION 3.(i)** G.S. 115C-75.10(c) reads as rewritten:

"(c) Funding Memorandum of Understanding. – The IS operator, in consultation with the ISD Superintendent, may enter into a funding memorandum of understanding with the local board of education of the local school administrative unit where the innovative school is located for all student support and operational services and instructional services to be provided by the local board of education in the same manner and degree as in the prior school year or funding in an amount equivalent to the amount the local board of education would have expended on those services if provided. For the purposes of this subsection, student support and operational services include cafeteria services, custodial services, broadband and utilities, and student information services, and instructional services include alternative education, special education services, test administration services, ~~textbooks, instructional materials,~~ technology, media resources, instructional equipment, and other resources. The IS operator and local board of education shall finalize the funding memorandum of understanding within 30 days of the initial request for the

1 memorandum by the IS operator. If the parties have not completed the funding memorandum of  
2 understanding within 30 days, the State Board of Education shall resolve any issues in dispute."

3 **SECTION 3.(j)** G.S. 115C-81.5(b)(3) is repealed.

4 **SECTION 3.(k)** G.S. 115C-81.25(b)(3) is repealed.

5 **SECTION 3.(l)** G.S. 115C-81.25(d) reads as rewritten:

6 "(d) Parental Review. – The State Board of Education shall make available to all local  
7 school administrative units for review by the parents and legal guardians of students enrolled at  
8 those units any State-developed objectives for instruction ~~any approved textbooks~~, the list of  
9 reviewed materials, and any other State-developed or approved materials that pertain to or are  
10 intended to impart information or promote discussion or understanding in regard to the  
11 prevention of sexually transmitted diseases, including HIV/AIDS, to the avoidance of  
12 out-of-wedlock pregnancy, or to the reproductive health and safety education curriculum. The  
13 review period shall extend for at least 60 days before use."

14 **SECTION 3.(m)** G.S. 115C-242(3) reads as rewritten:

15 "(3) The board of education of any local school administrative unit may operate  
16 the school buses of such unit one day prior to the opening of the regular school  
17 term for the transportation of pupils and employees to and from the school to  
18 which such pupils are assigned or in which they are enrolled and such  
19 employees are employed, for the purposes of the registration of students, the  
20 organization of classes, the distribution of ~~textbooks~~, instructional materials,  
21 and such other purposes as will, in the opinion of the superintendent of the  
22 schools of such unit, promote the efficient organization and operation of such  
23 public schools."

24 **SECTION 3.(n)** G.S. 115C-271(d)(2) reads as rewritten:

25 "(2) Local funds appropriated for teachers, ~~textbooks~~, instructional materials, or  
26 classroom materials, supplies, and equipment are not transferred or used for  
27 this purpose."

28 **SECTION 3.(o)** G.S. 115C-384(c) reads as rewritten:

29 "(c) Rental Fees for ~~Textbooks—Instructional Materials~~ Prohibited; Damage Fees  
30 Authorized. – No rental fees are permitted for the use of ~~textbooks~~, instructional materials, but  
31 damage fees may be collected pursuant to the provisions of ~~G.S. 115C-100~~. G.S. 115C-102.45."

32 **SECTION 3.(p)** G.S. 115C-390.2(l)(1) reads as rewritten:

33 "(1) The opportunity to take ~~textbooks~~ instructional materials and school-furnished  
34 digital devices home for the duration of the absence."

35 **SECTION 3.(q)** G.S. 115C-390.5(c)(1) reads as rewritten:

36 "(1) The opportunity to take ~~textbooks~~ instructional materials home for the  
37 duration of the suspension."

38 **SECTION 3.(r)** G.S. 115C-398 reads as rewritten:

39 **"§ 115C-398. Damage to school buildings, furnishings, textbooks.**

40 Students and their parents or legal guardians may be liable for damage to school buildings,  
41 furnishings and ~~textbooks~~ instructional materials pursuant to the provisions of G.S. 115C-523,  
42 115C-100 and 14-132."

43 **SECTION 3.(s)** G.S. 143A-48 is repealed.

44 **SECTION 3.(t)** G.S. 143C-9-7(b) reads as rewritten:

45 "(b) Upon appropriation by the General Assembly, funds received in the Indian Gaming  
46 Education Revenue Fund shall be allocated quarterly by the State Board of Education to local  
47 school administrative units, charter schools, and regional schools on the basis of allotted average  
48 daily membership. The funds allotted by the State Board of Education pursuant to this section  
49 shall be nonreverting. Funds received pursuant to this section by local school administrative units  
50 shall be expended for classroom teachers, teacher assistants, classroom materials or supplies, or  
51 ~~textbooks~~ instructional materials."

1           **SECTION 4.(a)** Effective July 1, 2019, the existing Textbooks and Digital  
2 Resources funding allotment in the State Public School Fund shall be designated as the  
3 Instructional Materials funding allotment in the State Public School Fund. The State Board of  
4 Education shall establish the purposes for which the funds within the new Instructional Materials  
5 funding allotment may be used for as follows: (i) to acquire instructional or supplemental  
6 materials as defined in G.S. 115C-102.20, as enacted by this act, and (ii) to acquire hardware,  
7 software, or other equipment necessary for the use of the instructional or supplemental materials.

8           **SECTION 4.(b)** G.S. 115C-105.25(b)(12) reads as rewritten:

9           "(12) Funds allotted for ~~textbooks and digital resources~~ instructional materials may  
10 only be used for the purchase of ~~textbooks and digital resources~~ instructional  
11 and supplemental materials, as defined in G.S. 115C-102.20, and to acquire  
12 hardware, software, or other equipment necessary for the use of the  
13 instructional or supplemental materials. These funds shall not be transferred  
14 out of the allotment for any other purpose."

15           **SECTION 5.** G.S. 115C-81.30(c) reads as rewritten:

16           "(c) Parental Review and Consent. – Each school year, before students may participate in  
17 any portion of (i) a program that pertains to or is intended to impart information or promote  
18 discussion or understanding in regard to the prevention of sexually transmitted diseases,  
19 including HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy or (ii) a reproductive  
20 health and safety education program, whether developed by the State or by the local board of  
21 education, the parents and legal guardians of those students shall be given an opportunity to  
22 review the objectives and materials in the instructional materials repository, as provided in  
23 ~~G.S. 115C-81.25(d)~~ G.S. 115C-102.50. Local boards of education shall adopt policies to provide  
24 opportunities either for parents and legal guardians to consent or for parents and legal guardians  
25 to withhold their consent to the students' participation in any or all of these programs."

26           **SECTION 6.** The State Board of Education shall not enter into any new contracts  
27 for textbooks or instructional materials and shall not renew any existing contracts for textbooks  
28 or instructional materials. The State Board of Education shall make available for purchase any  
29 textbooks or instructional materials available through existing contracts to local boards of  
30 education.

31           **SECTION 7.** Notwithstanding G.S. 115C-102.25, as enacted by this act, a local  
32 board of education may, by resolution, continue use of previously adopted State textbooks for a  
33 standard course of study until that standard course of study is revised by the State Board of  
34 Education.

35           **SECTION 8.** No local board of education shall be required to hold a public hearing  
36 for any health and safety program, as defined in G.S. 115C-102.20, as enacted by this act, in use  
37 prior to the 2018-2019 school year, until that program is amended, modified, or replaced. All  
38 local boards of education shall establish a program repository of current health and safety  
39 programs, as required by G.S. 115C-102.50, as enacted by this act, for access to parents prior to  
40 the start of the 2019-2020 school year, and shall not implement any program until that program  
41 is included in the repository.

42           **SECTION 9.** This act becomes effective July 1, 2019, and applies beginning with  
43 the 2019-2020 school year.



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 315**

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

H315-ATC-12 [v.1]

Page 1 of 1

Amends Title [NO]  
H315-CSTC-6

Date March 26, 2019

Representative Elmore

- 1 moves to amend the bill on page 3, line 24, by deleting the citation "G.S. 115C-120.40."; and
- 2 substituting the citation "G.S. 115C-102.40.".

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED







NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 315

AMENDMENT NO. #2  
(to be filled in by  
Principal Clerk)

H315-ATC-9 [v.1]

Page 1 of 1

Amends Title [NO]  
H315-CSTC-6

Date March 26, 2019

Representative Clemmons

1 moves to amend the bill on page 1, line 29, by rewriting that line to read:

2  
3 "instruction for the standard course of study selected and procured by a local board of education  
4 for a grade or course or general";

5  
6 and on page 2, line 21, by rewriting that line to read:

7  
8 "supplemental materials for a grade or course or for general education needs at a school or  
9 throughout the entire local school administrative unit. Local boards of education shall have sole  
10 authority to select and procure".

SIGNED

Ashton Schuler Clemmons

Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



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







NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 315

AMENDMENT NO. #3  
(to be filled in by  
Principal Clerk)

H315-ATC-11 [v.1]

Page 1 of 1

Amends Title [NO]  
H315-CSTC-6

Date March 26, 2019

Representative Meyer

1 moves to amend the bill on page 2, lines 28-35, by rewriting those lines to read:

2  
3 "(a) When adopting, modifying, or amending a health and safety program and the  
4 instructional and supplemental materials for that program, a local board of education shall  
5 provide both electronic and written notice to all parents of students in the local school  
6 administrative unit of the opportunity to review those materials in the program repository, as  
7 provided in G.S. 115C-102.50.


8 (b) The notice to parents provided for in subsection (a) of this section shall include the";  
9

10 and on page 4, line 4, by deleting the citation "G.S. 115C-102.35(c)." and substituting the citation  
11 "G.S. 115C-102.35(b).";

12  
13 and on page 8, lines 35-37, by rewriting those lines to read:

14  
15 **"SECTION 8. All".**

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED ☒

FAILED ☐

TABLED ☐



\* H 3 1 5 - A T C - 1 1 - V - 1 \*



HOUSE BILL 315 VISITOR REGISTRATION SHEET

Date \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Concerned Community Members &  
Health Professional  
Emerald Isle, NC

3434840.6 mm x 17.

Fayoffan, nc

Onslow County  
Forest NC



# ROLL CALL VOTE 2019-2020 Session

**HB#**      **SB#**  
**YES**      **NO**      **TOTALS**

**DATE**

## HOUSE STANDING COMMITTEE ON Education K-12

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Jeffrey Elmore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Dennis Riddell
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Craig Horn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Kandi Smith
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Linda Johnson	<input type="checkbox"/>	<input type="checkbox"/>	Rep. Larry Strickland
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Hugh Blackwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Rena Turner
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Cecil Brockman	<input type="checkbox"/>	<input type="checkbox"/>	Rep. Donna McDowell White
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Cynthia Ball	<input type="checkbox"/>	<input type="checkbox"/>	Rep. John Bell
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Chaz Beasley	<input type="checkbox"/>	<input type="checkbox"/>	Rep. Brenden Jones
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Mark Brody	<input type="checkbox"/>	<input type="checkbox"/>	Rep. David Lewis
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Ashton Clemmons	<input type="checkbox"/>	<input type="checkbox"/>	Rep. Sarah Stevens
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Kevin Corbin	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Jean Farmer-Butterfield	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Susan Fisher	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. John Fraley	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. James Gailliard	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Rosa Gill	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Charles Graham	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Jon Hardister	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Cody Henson	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Frank Iler	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Rep. Donny Lambeth	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Marvin Lucas	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Graig Meyer	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Larry Potts	<input type="checkbox"/>	<input type="checkbox"/>	

SUBTOTAL (optional)

13 12

pass





## HOUSE BILL 340: Amend Appt For Compact on Education/Military.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 26, 2019
<b>Introduced by:</b>	Reps. Martin, Cleveland, Bell	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	First Edition		Staff Attorney

---

**OVERVIEW:** *House Bill 340 would amend the requirements for an individual to be appointed as compact commissioner under the Interstate Compact on Educational Opportunity for Military Children.*

**CURRENT LAW:** G.S. 115C-407.5 sets out the Interstate Compact on Educational Opportunity for Military Children (Compact). Under the Compact, the compact commissioner is responsible for the administration and management of the State's participation in the Compact and must be appointed by the Governor or as otherwise determined by each member state. The compact commissioner is the voting representative of the State in the Interstate Commission created by the Compact.

G.S. 115C-407.7 requires the Governor to appoint as the compact commissioner a licensed North Carolina attorney who represents at least one local board of education, with preference given to an attorney representing a local board of education with a high concentration of military children, or an attorney familiar with military issues.

**BILL ANALYSIS:** House Bill 340 would remove the requirement that the compact commissioner be a licensed North Carolina attorney who represents at least one local board of education or an attorney familiar with military issues. Instead, the Governor would be required to appoint an individual who represents at least one local board of education with a high concentration of military children.

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

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.*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 340

Short Title: Amend Appt For Compact on Education/Military. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 13, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE REQUIREMENTS FOR AN INDIVIDUAL APPOINTED AS  
3 COMPACT COMMISSIONER UNDER THE INTERSTATE COMPACT ON  
4 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 115C-407.7 reads as rewritten:  
7 "§ 115C-407.7. Appointment of compact commissioner.  
8 As required by Article VIII of the compact, the Governor shall appoint as compact  
9 commissioner ~~a licensed North Carolina attorney~~ an individual who represents at least one local  
10 board of education, ~~with preference given to an attorney representing a local board of education~~  
11 ~~with a high concentration of military children or an attorney familiar with military issues.~~  
12 children. The compact commissioner shall be responsible for the administration and management  
13 of the State's participation in the compact."  
14 SECTION 2. This act is effective when it becomes law.



\* H 3 4 0 - V - 1 \*





# HOUSE BILL 377: Reduce Testing.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 26, 2019
<b>Introduced by:</b>	Reps. Elmore, K. Hall, Bell, Conrad	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H377-CSBE-6		Committee Co-Counsel

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**OVERVIEW:** *House Bill 377 would do the following:*

- *Eliminate NC Final Exams (NCFEs)*
- *Replace end-of-grade assessments (EOGs) with NC Check-Ins*
- *Replace end-of-course assessments (EOCs) with a nationally recognized assessment of high school achievement, such as the ACT or SAT*
- *Eliminate required administration of the WorkKeys assessment*
- *Prohibit standardized testing by local school administrative units (LEAs) except as required by the State Board of Education (State Board)*
- *Prohibit graduation projects as a condition of graduation*

**The PCS would:**

- *Provide the State Board with flexibility in calculating growth scores for teachers.*
- *Replace the EOGs with a "through-grade assessment model" similar to the NC Check-Ins, rather than the NC Check-Ins themselves.*
- *Modify the testing windows for the three through-grade assessments.*
- *Give the State Board additional flexibility in calculating summative student scores based on the three through-grade assessments.*
- *Extend the deadline for replacing EOCs with a nationally recognized assessment of high school achievement from 2019-2020 to 2020-2021.*
- *Make various clarifying and technical changes.*

**ELIMINATE NC FINAL EXAMS (NCFES)**

**CURRENT LAW:** Under the terms of the now-expired federal Race to the Top grant, North Carolina had to provide a growth measure for every teacher in the State. Since growth measures require some type of standardized measure of student achievement, NCFEs were created to meet that requirement for courses that did not have an EOG or EOC. Under State Board Policy TEST-016, NCFEs are used to provide growth data for teachers of these courses. NCFEs are not currently required by State or federal law.

**BILL ANALYSIS:** Part I of the PCS to HB 377 would eliminate the NC Final Exams.

Aren Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 377

Page 2

**EFFECTIVE DATE:** Part I would be effective when it becomes law and would eliminate the NCFEs beginning with the 2019-2020 school year.

## REPLACE EOGs WITH THROUGH-GRADE ASSESSMENT MODEL

**CURRENT LAW:** Under G.S. 115C-174.11(c)(1), the State Board must adopt tests for grades three through 12 that are required by federal law or as a condition of a federal grant. These assessments must be administered in the last 10 days of yearlong courses and in the last 5 days of semester courses. For this purpose, the State Board adopted the EOGs and EOCs. Separate reading and math EOGs are administered in grades 3 through 8, and a science EOG is administered in grades 5 and 8.

Data from the EOGs are used to calculate a portion of the school performance scores and grades required by G.S. 115C-83.15, as well as satisfy federal accountability requirements under the Every Student Succeeds Act (ESSA).

**BILL ANALYSIS:** Part II of the PCS would replace the EOGs with a through-grade assessment model, which would be administered as three shorter tests throughout the year rather than one long test at the end of the year. The final summative score would be determined by averaging the student's performance on at least two of the through-grade assessments.

**EFFECTIVE DATE:** Part II would be effective when it becomes law and would require the replacement of the EOGs with a through-grade assessment model beginning with the 2022-2023 school year.

## REPLACE EOCs WITH A NATIONALLY RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE READINESS

**CURRENT LAW:** Under G.S. 115C-174.11(c)(1), the State Board must adopt tests for grades three through 12 that are required by federal law or as a condition of a federal grant. These assessments must be administered in the last 10 days of yearlong courses and in the last 5 days of semester courses. For this purpose, the State Board adopted the EOGs and EOCs. EOCs are administered in the high school courses of Math I, English II, and Biology.

Data from the EOCs are used to calculate a portion of the school performance scores and grades required by G.S. 115C-83.15, as well as satisfy federal accountability requirements under the Every Student Succeeds Act (ESSA).

G.S. 115C-174.11(c)(4) requires the State Board to adopt a nationally norm-referenced college admissions test to make available to public schools to administer to all students in the eleventh grade unless the student has already taken a comparable test and scored at or above a level set by the State Board. Students can submit scores on this college admissions test to colleges as part of their application process. Additionally, data from this test are used to calculate the college readiness component of the school performance grades.

**BILL ANALYSIS:** Part III of the PCS would replace the EOCs with a nationally recognized assessment of high school achievement or college readiness, such as the ACT or SAT. Instead of taking EOCs in Math I, English II, and Biology, student scores on the subject-specific portions of the nationally recognized assessment would be used to satisfy State and federal high school testing requirements.

**EFFECTIVE DATE:** The replacement of the EOCs with a nationally recognized assessment would be effective January 1, 2020, and would require the nationally recognized assessment beginning with the

# House PCS 377

Page 3

2020-2021 school year. Corresponding changes to the school performance grade calculations would be effective January 1, 2021, and would apply beginning with school performance grades issued based on data from the 2020-2021 school year.

## **ELIMINATE REQUIRED ADMINISTRATION OF WORKKEYS ASSESSMENT**

**CURRENT LAW:** G.S. 115C-174.25 requires the State Board to plan for and require LEAs to make available the appropriate WorkKeys tests for all students who complete a concentration in career and technical education courses. WorkKeys is an assessment that measures foundational workplace skills, and is made up of subtests related to Applied Math, Graphic Literacy, and Workplace Documents. Students can demonstrate mastery of skills at a Silver, Gold, or Platinum level. WorkKeys data are used to calculate the career readiness component of the school performance grades.

**BILL ANALYSIS:** Part III of the PCS would eliminate the required administration of the WorkKeys assessment. As a result, the career readiness indicator would be removed from the school performance grades as well, beginning with performance grades issued based on data from the 2019-2020 school year.

**EFFECTIVE DATE:** The WorkKeys assessment requirement would be repealed effective when the act becomes law and would apply beginning with the 2019-2020 school year.

## **PROHIBIT STANDARDIZED TESTING BY LEAS EXCEPT AS REQUIRED BY THE STATE BOARD OF EDUCATION**

**CURRENT LAW:** Under G.S. 115C-174.11(d), the State Board cannot require public schools to administer any standardized tests except those otherwise required by State or federal law. However, local boards of education may require additional standardized assessments.

**BILL ANALYSIS:** Part IV of the PCS would prohibit standardized testing by LEAs except as required by the State Board.

**EFFECTIVE DATE:** Part IV would become effective when it becomes law and would prohibit LEAs from requiring standardized assessments beginning with the 2019-2020 school year.

## **PROHIBIT GRADUATION PROJECTS AS A CONDITION OF GRADUATION**

**CURRENT LAW:** Under G.S. 115C-12(9d)b.2., the State Board cannot require that students complete a graduation project as a condition of graduation from high school. Local boards of education, however, can include such a condition.

**BILL ANALYSIS:** Part V of the PCS would prohibit local boards of education from making graduation projects a condition of graduation.

**EFFECTIVE DATE:** Part V would be effective when it becomes law and would prohibit local boards of education from requiring graduation projects beginning with the 2019-2020 school year.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 377**

Short Title: Reduce Testing.

(Public)

Sponsors: Representatives Elmore, K. Hall, Bell, and Conrad (Primary Sponsors).

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 19, 2019

A BILL TO BE ENTITLED  
AN ACT TO REPLACE OR ELIMINATE CERTAIN TESTS ADMINISTERED TO  
STUDENTS IN PUBLIC SCHOOLS AND TO PROHIBIT HIGH SCHOOL  
GRADUATION PROJECTS AS A CONDITION OF GRADUATION.

The General Assembly of North Carolina enacts:

**PART I. ELIMINATE NC FINAL EXAM**

**SECTION 1.(a)** The State Board of Education shall eliminate the use of the NC Final Exam as part of the statewide testing program to assess teacher performance and professional growth. The NC Final Exam shall not be administered as part of the statewide testing program for any other purpose. The State Board shall adopt a policy to require that local school administrative units assess teacher performance and professional growth in the following manner:

- (1) For teachers of grades three through eight who teach at least sixty percent (60%) of their time in subject areas tested by the annual assessment, as defined by Section 2(a) of this act, the annual assessment shall be used for determining student growth values.
- (2) For teachers of grades nine through 12 who teach at least sixty percent (60%) of their time in subject areas tested by the nationally recognized assessment of high school achievement and college readiness administered pursuant to G.S. 174.11(c)(4), as amended by subsection 3(d) of this act, the nationally recognized assessment of high school achievement and college readiness shall be used for determining student growth values.
- (3) For all other teachers school-wide growth values shall be used.

**SECTION 1.(b)** This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

**PART II. REPLACE EOGs WITH NC CHECK-INS**

**SECTION 2.(a)** The State Board of Education shall eliminate the use of End-of-Grade (EOG) tests for grades three through eight. The State Board shall adopt a policy to require administration of NC Check-Ins in grades three through eight three times per school year as follows: NC Check-In 1 shall be administered no later than September 15, NC Check-In 2 shall be administered no later than January 31, and NC Check-In 3 shall be administered within the final 10 instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. The average of the combined scores



1 earned for NC Check-In 2 and NC Check-In 3 shall constitute the annual assessment for grades  
2 three through eight, and all provisions of Subchapter IV of Chapter 115C of the General Statutes  
3 concerning annual assessments for grades three through eight shall apply to this averaged score.

4 In addition to making any necessary adjustments to currently developed NC  
5 Check-Ins, the State Board shall develop NC Check-Ins for science for grade five and grade eight  
6 and for reading for grade three. A third grade student who fails to demonstrate reading  
7 proficiency, as demonstrated by the averaged score of the NC Check-In 2 for reading and the NC  
8 Check-In 3 for reading, may retake the NC Check-In 3 for reading prior to the end of the school  
9 year, and the score of the readministered NC Check-In 3 for reading may be used for the purpose  
10 of demonstrating reading proficiency.

11 Policies regarding participation in the NCEXTEND1 alternative assessment may be  
12 applied in the same manner as prior to the enactment of this act, and the State Board of Education  
13 may continue use of the NCEXTEND1 for students with disabilities, as appropriate.

14 The State Board of Education shall review existing testing security policies with  
15 respect to NC Check-Ins and shall revise them as necessary to provide for as secure a testing  
16 environment as required by federal law or as a condition of a federal grant. The State Board shall  
17 not require testing security measures in excess of those required for federal compliance.

18 **SECTION 2.(b)** G.S. 115C-81.36(b) reads as rewritten:

19 "(b) When advanced courses are offered in mathematics, any student scoring at a level  
20 five on the end-of-grade or end-of-course test that denotes superior command of knowledge and  
21 skills for the mathematics course in which the student was most recently enrolled shall be  
22 enrolled in the advanced course for the next mathematics course in which the student is enrolled.  
23 A student in seventh grade scoring at a level five on the seventh-grade mathematics end-of-grade  
24 test that denotes superior command of knowledge and skills shall be enrolled in a high school  
25 level mathematics course in eighth grade. No student who qualifies under this subsection shall  
26 be removed from the advanced or high school mathematics course in which the student is enrolled  
27 unless a parent or guardian of the student provides written consent for the student to be excluded  
28 or removed from that course."

29 **SECTION 2.(c)** G.S. 115C-105.41(a) reads as rewritten:

30 "(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative  
31 units shall identify students who are at risk for academic failure and who are not successfully  
32 progressing toward grade promotion and graduation, beginning in kindergarten. Identification  
33 shall occur as early as can reasonably be done and can be based on grades, observations,  
34 diagnostic and formative assessments, State assessments, and other factors, including reading on  
35 grade level, that impact student performance that teachers and administrators consider  
36 appropriate, without having to await the results of end-of-grade or end-of-course State-mandated  
37 tests."

38 **SECTION 2.(d)** G.S. 115C-276(q) reads as rewritten:

39 "(q) To Assign School Principals. – Subject to local board policy, the superintendent shall  
40 have the authority to assign principals to school buildings. When making an assignment, the  
41 superintendent shall consider (i) whether a principal has demonstrated the leadership ability to  
42 increase student achievement at a school where conditions indicated a significant risk of low  
43 student performance; and (ii) how to maintain stability at a school where, during the time the  
44 principal has been at a school, there has been significant improvement on end-of-course or  
45 end-of-grade tests and other accountability measures developed by the State Board of Education."

46 **SECTION 2.(e)** This section is effective when it becomes law and applies beginning  
47 with testing administered for the 2022-2023 school year.  
48

49 **PART III. REPLACE EOCS WITH THE ACT OR OTHER NATIONALLY**  
50 **RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE**



**1 READINESS AND ELIMINATE REQUIRED ADMINISTRATION OF ACT  
2 WORKKEYS**

3 **SECTION 3.(a)** The State Board of Education shall eliminate use of End-of-Course  
4 (EOC) tests for grades nine through 12. The nationally recognized assessment of high school  
5 achievement and college readiness, or the alternate assessment, administered to all students in  
6 eleventh grade pursuant to G.S. 115C-174.11(c)(4) as amended by subsection (d) of this section,  
7 shall constitute the State-mandated testing in grades nine through 12 required by  
8 G.S. 174.11(c)(1). The State Board of Education shall eliminate required administration of ACT  
9 WorkKeys for career and technical education students. Policies regarding participation in the  
10 NCEXTEND1 alternative assessment may be applied in the same manner as prior to the  
11 enactment of this act, and the State Board of Education may continue the use of the  
12 NCEXTEND1 for students with disabilities, as appropriate.

13 **SECTION 3.(b)** G.S. 115C-83.15(b)(2) reads as rewritten:

- 14 "(2) For schools serving any students in ninth through twelfth grade, the State  
15 Board shall assign points on the following measures available for that school:
- 16 a. One point for each percent of students who score at or above proficient  
17 ~~on either the Algebra I or Integrated Math I end-of-course test or, for~~  
18 ~~students who completed Algebra I or Integrated Math I before ninth~~  
19 ~~grade, another mathematics course with an end-of-course test the math~~  
20 ~~subtest of a nationally recognized assessment of high school~~  
21 ~~achievement and college readiness.~~
  - 22 b. One point for each percent of students who score at or above proficient  
23 ~~on the English II end-of-course test the reading subtest of a nationally~~  
24 ~~recognized assessment of high school achievement and college~~  
25 ~~readiness.~~
  - 26 c. One point for each percent of students who score at or above proficient  
27 ~~on the Biology end-of-course test science subtest or the science subject~~  
28 ~~test of a nationally recognized assessment of high school achievement~~  
29 ~~and college readiness.~~
  - 30 d. One point for each percent of students who complete Algebra II or  
31 Integrated Math III with a passing grade.
  - 32 e. One point for each percent of students who achieve the minimum score  
33 required for admission into a constituent institution of The University  
34 of North Carolina on a nationally normed test of college readiness.
  - 35 f. ~~One point for each percent of students enrolled in Career and~~  
36 ~~Technical Education courses who meet the standard when scoring at~~  
37 ~~Silver, Gold, or Platinum levels on a nationally normed test of~~  
38 ~~workplace readiness.~~
  - 39 g. One point for each percent of students who graduate within four years  
40 of entering high school.
  - 41 h. One point for each percent of students who progress in achieving  
42 English language proficiency."

43 **SECTION 3.(c)** G.S. 115C-83.16(a)(2) reads as rewritten:

44 "(2) For schools serving any students in ninth through twelfth grade, the State  
45 Board shall define the indicators as follows:

- 46 a. Academic indicators. –
  - 47 1. The academic achievement indicator shall include the  
48 following measures:
    - 49 I. Proficiency on ~~either the Algebra I or Integrated Math~~  
50 ~~I end-of-course test or, for students who completed~~  
51 ~~Algebra I or Integrated Math I before ninth grade,~~

- 1 ~~another mathematics course with an end-of-course~~  
2 ~~test.the math subtest of a nationally recognized~~  
3 ~~assessment of high school achievement and college~~  
4 ~~readiness.~~  
5 II. ~~Proficiency on the English II end-of-course test,reading~~  
6 ~~subtest of a nationally recognized assessment of high~~  
7 ~~school achievement and college readiness.~~  
8 III. The growth score earned by schools.  
9 2. Repealed by Session Laws 2017-206, s. 1(b), effective August  
10 30, 2017, and applicable beginning with the 2017-2018 school  
11 year.  
12 3. The graduation rate indicator shall be the percentage of  
13 students who graduate within four years of entering high  
14 school.  
15 4. The English language proficiency indicator shall be the  
16 percentage of students who progress in achieving English  
17 language proficiency.  
18 b. School quality and student success indicator. – The school quality and  
19 student success indicator shall be made up of the following measures:  
20 1. Proficiency on the ~~Biology end-of-course test,science subtest~~  
21 ~~of a nationally recognized assessment of high school~~  
22 ~~achievement and college readiness.~~  
23 2. The percentage of students who complete Algebra II or  
24 Integrated Math III with a passing grade.  
25 3. The percentage of students who achieve the minimum score  
26 required for admission into a constituent institution of The  
27 University of North Carolina on a nationally normed test of  
28 college readiness.  
29 4. ~~The percentage of students enrolled in Career and Technical~~  
30 ~~Education courses who meet the standard when scoring at~~  
31 ~~Silver, Gold, or Platinum levels on a nationally normed test of~~  
32 ~~workplace readiness."~~

33 **SECTION 3.(d)** G.S. 115C-174.11(4) reads as rewritten:

34 "(4) ~~To the extent funds are made available, the The~~ State Board of Education shall  
35 use a competitive bid process to adopt one ~~nationally norm-referenced college~~  
36 ~~admissions test nationally recognized assessment of high school achievement~~  
37 ~~and college readiness~~ to make available to local school administrative units,  
38 regional schools, and charter schools to administer to all ~~students in the~~  
39 ~~eleventh grade unless the student has already taken a comparable test and~~  
40 ~~scored at or above a level set by the State Board. students.~~ The State Board of  
41 Education shall require the administration of an alternate to the ~~nationally~~  
42 ~~norm-referenced college admissions test nationally recognized assessment of~~  
43 ~~high school achievement and college readiness~~ or an alternate precursor test  
44 to the ~~nationally norm-referenced college admissions test nationally~~  
45 ~~recognized assessment of high school achievement and college readiness~~ to a  
46 student who (i) exhibits severe and pervasive delays in all areas of conceptual,  
47 linguistic, and academic development and in adaptive behaviors, including  
48 communication, daily living skills, and self-care, (ii) is following the extended  
49 content standards of the Standard Course of Study as provided in  
50 G.S. 115C-81.5, or is following a course of study that, upon completing high  
51 school, may not lead to admission into a college-level course of study resulting

1 in a college degree, and (iii) has a written parental request for an alternate  
2 assessment in accordance with federal law.

3 The State Board of Education shall ensure that parents of students enrolled  
4 in all public schools, including charter and regional schools, have the  
5 necessary information to make informed decisions regarding participation in  
6 the nationally norm-referenced college admissions test and precursor test.

7 Alternate assessment results and nationally norm-referenced college  
8 admissions test assessment nationally recognized assessment of high school  
9 achievement and college readiness results of students with disabilities shall be  
10 included in school accountability reports, including charter and regional  
11 schools, provided by the State Board of Education."

12 **SECTION 3.(e)** G.S. 115C-174.25 is repealed.

13 **SECTION 3.(f)** G.S. 116-11(10a) reads as rewritten:

14 "(10a) The Board of Governors, the State Board of Community Colleges, and the  
15 State Board of Education, in consultation with nonprofit postsecondary  
16 educational institutions shall plan a system to provide an exchange of  
17 information among the public schools and institutions of higher education to  
18 be implemented no later than June 30, 1995. As used in this section,  
19 "institutions of higher education" shall mean (i) public higher education  
20 institutions defined in G.S. 116-143.1(a)(3), and (ii) those nonprofit  
21 postsecondary educational institutions as described in G.S. 116-280 that  
22 choose to participate in the information exchange. The information shall  
23 include:

- 24 a. The number of high school graduates who apply to, are admitted to,  
25 and enroll in institutions of higher education;  
26 b. College performance of high school graduates for the year  
27 immediately following high school graduation including each  
28 student's: need for remedial coursework at the institution of higher  
29 education that the student attends; performance in standard freshmen  
30 courses; and continued enrollment in a subsequent year in the same or  
31 another institution of higher education in the State;  
32 c. The progress of students from one institution of higher education to  
33 another; and  
34 d. Consistent and uniform public school course information including  
35 course code, name, and description.

36 The Department of Public Instruction shall generate and the local school  
37 administrative units shall use standardized transcripts in an automated format  
38 for applicants to higher education institutions. The standardized transcript  
39 shall include grade point average, class rank, end-of-course test scores, scores  
40 from the nationally recognized assessment of high school achievement and  
41 college readiness administered pursuant to G.S. 115C-174.11(c), and uniform  
42 course information including course code, name, units earned toward  
43 graduation, and credits earned for admission from an institution of higher  
44 education. The grade point average and class rank shall be calculated by a  
45 standard method to be devised by the institutions of higher education."

46 **SECTION 3.(g)** Subsection 3(e) of this section is effective August 1, 2019. The  
47 remainder of this section is effective when it becomes law and applies beginning with testing  
48 administered for the 2019-2020 school year.  
49

**PART IV. PROHIBIT STANDARDIZED TESTING BY LOCAL SCHOOL ADMINISTRATIVE UNITS EXCEPT AS REQUIRED BY THE STATE BOARD OF EDUCATION**

**SECTION 4.(a)** G.S. 115C-174.11, as amended by subsection (d) of Section 3 of this act, is amended by adding a new subsection to read:

"(e) Local school administrative units shall use the tests provided to them by the State Board and shall not require any additional standardized tests."

**SECTION 4.(b)** G.S. 115C-174.12 reads as rewritten:

**"§ 115C-174.12. Responsibilities of agencies.**

(a) The State Board of Education shall establish policies and guidelines necessary for minimizing the time students spend taking tests administered through State and local testing programs, for minimizing the frequency of field testing at any one school, and for otherwise carrying out the provisions of this Article. These policies and guidelines shall include the following:

- (1) Schools shall devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student ~~learning~~; learning.
- (2) Students in a school shall not be subject to field tests or national tests during the two-week period preceding the administration of ~~end-of-grade tests, end-of-course tests, a State-mandated NC Check-In, a State-mandated nationally recognized assessment of high school achievement and college readiness, or the school's regularly scheduled final exams; and~~ exams.
- (3) No school shall participate in more than two field tests at any one grade level during a school ~~year; [and] year~~.
- (4) All annual assessments of student achievement adopted by the State Board of Education pursuant to G.S. 115C-174.11(c)(1) and (3) and all final exams for courses shall be administered within the final 10 instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. Exceptions shall be permitted to accommodate a student's individualized education program and section 504 (29 U.S.C. § 794) plans and for the administration of final exams for courses with national or international curricula required to be held at designated times.

These policies shall reflect standard testing practices to insure reliability and validity of the sample testing. The results of the field tests shall be used in the final design of each test. The State Board of Education's policies regarding the testing of children with disabilities shall (i) provide broad accommodations and alternate methods of assessment that are consistent with a student's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit the use of statewide tests as the sole determinant of decisions about a student's graduation or promotion, and (iii) provide parents with information about the Statewide Testing Program and options for children with disabilities. The State Board shall report its proposed policies and proposed changes in policies to the Joint Legislative Education Oversight Committee prior to adoption.

The State Board of Education may appoint an Advisory Council on Testing to assist in carrying out its responsibilities under this Article.

...

~~(d) By October 1 of each year, each local board of education shall notify the State Board of Education of any local standardized testing to be administered to students by the local school administrative unit at the direction of the local board of education in its schools and the calendar for administering those tests. The local board of education shall include the following information:~~

- ~~(1) The source of funds supporting the local testing program.~~



- (2) The time allotted to administer each test.
- (3) Whether the test is a computer-based test or a paper-based test.
- (4) The grade level or subject area associated with the test.
- (5) The date the test results are expected to be available to teachers and parents.
- (6) The type of test, the purpose of the test, and the use of the test results.
- (7) Estimates of average time for administering tests required by the local board of education by grade level.

The local board of education shall meet the requirements of this subsection by inputting the information into the uniform calendar published by the Department of Public Instruction pursuant to subsection (e1) of this section.

(e) By November 1 of each year, the State Board of Education shall submit a report to the Joint Legislative Education Oversight Committee containing information regarding the statewide administration of the testing program, including the number and type of tests and the testing schedule, and a summary of any local testing programs reported by local boards of education to the State Board of Education in accordance with subsection (d) of this section.

(e1) By September 1 of each year, the Superintendent of Public Instruction shall publish on the Web site of the Department of Public Instruction a uniform calendar that includes schedules for State-required testing and reporting results of tests for at least the next two school years, including estimates of the average time for administering State-required standardized tests. The uniform calendar shall be provided to local boards of education in an electronic format that allows each local board of education to populate the calendar with, at a minimum, the information required by subsection (d) of this section. The uniform calendar shall be searchable by local school administrative unit and denote whether a test on the calendar is required by the State or required by a local board of education with any additional testing information specific to the local school administrative unit."

**SECTION 4.(c)** G.S. 115C-174.15 is repealed.

**SECTION 4.(d)** This section is effective when it becomes law and applies beginning with testing administered for the 2019-2020 school year.

## **PART V. PROHIBIT GRADUATION PROJECTS AS A CONDITION OF GRADUATION**

**SECTION 5.(a)** G.S. 115C-12(9d) reads as rewritten:

"(9d) Power to Develop Exit Standards and Graduation Requirements. –

...

- b. The following restrictions apply to the Board regarding Algebra I and high school graduation projects:

...

2. The Board shall not require any student to prepare a high school graduation project as a condition of graduation from high school; local boards of education may, however, require their students to complete a high school graduation project.

**SECTION 5.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

"(54a) To Ensure That Graduation Is Not Conditioned on a Graduation Project. – A student shall not be required to complete a high school graduation project as a condition of graduation from high school. Requirements for graduation shall be connected only to the completion of required courses."

**SECTION 5.(c)** This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

**PART VI. EFFECTIVE DATE**

**SECTION 6.** Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

**HOUSE BILL 377**  
**PROPOSED COMMITTEE SUBSTITUTE H377-CSBE-6 [v.6]**  
03/25/2019 05:30:15 PM

Short Title: Reduce Testing.

(Public)

Sponsors:

Referred to:

March 19, 2019

A BILL TO BE ENTITLED  
AN ACT TO REPLACE OR ELIMINATE CERTAIN TESTS ADMINISTERED TO  
STUDENTS IN PUBLIC SCHOOLS AND TO PROHIBIT HIGH SCHOOL  
GRADUATION PROJECTS AS A CONDITION OF GRADUATION.

The General Assembly of North Carolina enacts:

**PART I. ELIMINATE NC FINAL EXAM**

**SECTION 1.(a)** The State Board of Education shall eliminate the use of the NC Final Exam as part of the statewide testing program to assess teacher performance and professional growth. The NC Final Exam shall not be administered as part of the statewide testing program for any other purpose.

**SECTION 1.(b)** This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

**PART II. REPLACE EOGs WITH THROUGH-GRADE ASSESSMENT MODEL  
SIMILAR TO NC CHECK-INS**

**SECTION 2.(a)** The State Board of Education shall eliminate the use of End-of-Grade (EOG) tests for grades three through eight. The State Board shall adopt a policy to require administration of a through-grade assessment model with three interim assessments similar to NC Check-Ins in grades three through eight three times per school year as follows: The first through-grade assessment shall be administered no later than November 15, the second through-grade assessment shall be administered no later than the end of February, and the third through-grade assessment shall be administered within the final 10 instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. The average of the combined scores earned for at least two of the through-grade assessments shall constitute the annual assessment for grades three through eight, and all provisions of Subchapter IV of Chapter 115C of the General Statutes concerning annual assessments for grades three through eight shall apply to this averaged score.

In addition to making any necessary adjustments to currently developed through-grade assessments, the State Board shall develop through-grade assessments for science for grade five and grade eight and for reading for grade three. A third grade student who fails to demonstrate reading proficiency, as demonstrated by the averaged score of the relevant through-grade assessments for reading, may retake the third through-grade assessment for reading prior to the end of the school year, and the score of the readministered third through-grade assessment for reading may be used for the purpose of demonstrating reading proficiency.



Policies regarding participation in the NCEXTEND1 alternative assessment may be applied in the same manner as prior to the enactment of this act, and the State Board of Education may continue use of the NCEXTEND1 for students with disabilities, as appropriate.

The State Board of Education shall review existing testing security policies with respect to NC Check-Ins and shall revise them as necessary to provide for as secure a testing environment as required by federal law or as a condition of a federal grant. The State Board shall not require testing security measures in excess of those required for federal compliance.

**SECTION 2.(b)** G.S. 115C-81.36(b) reads as rewritten:

"(b) When advanced courses are offered in mathematics, any student scoring at a level five on the end-of-grade or end-of-course test that denotes superior command of knowledge and skills 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 at a level five on the seventh-grade mathematics end-of-grade test that denotes superior command of knowledge and skills 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.(c)** G.S. 115C-105.41(a) reads as rewritten:

"(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative units shall identify students who are at risk for academic failure and who are not successfully progressing toward grade promotion and graduation, beginning in kindergarten. Identification shall occur as early as can reasonably be done and can be based on grades, observations, diagnostic and formative assessments, State assessments, and other factors, including reading on grade level, that impact student performance that teachers and administrators consider appropriate, without having to await the results of end-of-grade or end-of-course State-mandated tests."

**SECTION 2.(d)** G.S. 115C-276(q) reads as rewritten:

"(q) To Assign School Principals. – Subject to local board policy, the superintendent shall have the authority to assign principals to school buildings. When making an assignment, the superintendent shall consider (i) whether a principal has demonstrated the leadership ability to increase student achievement at a school where conditions indicated a significant risk of low student performance; and (ii) how to maintain stability at a school where, during the time the principal has been at a school, there has been significant improvement on end-of-course or end-of-grade tests and other accountability measures developed by the State Board of Education."

**SECTION 2.(e)** This section is effective when it becomes law and applies beginning with testing administered for the 2022-2023 school year.

**PART III. REPLACE EOCS WITH THE ACT OR OTHER NATIONALLY RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE READINESS AND ELIMINATE REQUIRED ADMINISTRATION OF ACT WORKKEYS**

**SECTION 3.(a)** The State Board of Education shall eliminate use of End-of-Course (EOC) tests for grades nine through 12. The nationally recognized assessment of high school achievement and college readiness, or the alternate assessment, administered to all students in eleventh grade pursuant to G.S. 115C-174.11(c)(4) as amended by subsection (d) of this section, shall constitute the State-mandated testing in grades nine through 12 required by G.S. 174.11(c)(1). Policies regarding participation in the NCEXTEND1 alternative assessment may be applied in the same manner as prior to the enactment of this act, and the State Board of Education may continue the use of the NCEXTEND1 for students with disabilities, as appropriate.



1           **SECTION 3.(b)** The State Board of Education shall eliminate required  
2 administration of ACT WorkKeys for career and technical education students. For school  
3 performance grades issued based on data from the 2019-2020 school year, the career readiness  
4 indicator described in G.S. 115C-83.15(b)(2)f. and G.S. 115C-83.16(a)(2)b.4. shall not be  
5 considered in the calculation of school performance grades.

6           **SECTION 3.(c)** G.S. 115C-83.15(b)(2) reads as rewritten:

7           "(2) For schools serving any students in ninth through twelfth grade, the State  
8 Board shall assign points on the following measures available for that school:

- 9           a. One point for each percent of students who score at or above proficient  
10 on either the Algebra I or Integrated Math I end-of-course test or, for  
11 students who completed Algebra I or Integrated Math I before ninth  
12 grade, another mathematics course with an end-of-course test, the math  
13 subtest of a nationally recognized assessment of high school  
14 achievement and college readiness.
- 15           b. One point for each percent of students who score at or above proficient  
16 on the English II end-of-course test, the reading subtest of a nationally  
17 recognized assessment of high school achievement and college  
18 readiness.
- 19           c. One point for each percent of students who score at or above proficient  
20 on the Biology end-of-course test, science subtest or the science subject  
21 test of a nationally recognized assessment of high school achievement  
22 and college readiness.
- 23           d. One point for each percent of students who complete Algebra II or  
24 Integrated Math III with a passing grade.
- 25           e. One point for each percent of students who achieve the minimum score  
26 required for admission into a constituent institution of The University  
27 of North Carolina on a nationally normed test of college readiness.
- 28           f. One point for each percent of students enrolled in Career and  
29 Technical Education courses who meet the standard when scoring at  
30 Silver, Gold, or Platinum levels on a nationally normed test of  
31 workplace readiness.
- 32           g. One point for each percent of students who graduate within four years  
33 of entering high school.
- 34           h. One point for each percent of students who progress in achieving  
35 English language proficiency."

36           **SECTION 3.(d)** G.S. 115C-83.16(a)(2) reads as rewritten:

37           "(2) For schools serving any students in ninth through twelfth grade, the State  
38 Board shall define the indicators as follows:

- 39           a. Academic indicators. –
- 40               1. The academic achievement indicator shall include the  
41 following measures:
- 42                   I. Proficiency on either the Algebra I or Integrated Math  
43 I end-of-course test or, for students who completed  
44 Algebra I or Integrated Math I before ninth grade,  
45 another mathematics course with an end-of-course  
46 test, the math subtest of a nationally recognized  
47 assessment of high school achievement and college  
48 readiness.
- 49                   II. Proficiency on the English II end-of-course test, reading  
50 subtest of a nationally recognized assessment of high  
51 school achievement and college readiness.

- 1 III. The growth score earned by schools.
- 2 2. Repealed by Session Laws 2017-206, s. 1(b), effective August
- 3 30, 2017, and applicable beginning with the 2017-2018 school
- 4 year.
- 5 3. The graduation rate indicator shall be the percentage of
- 6 students who graduate within four years of entering high
- 7 school.
- 8 4. The English language proficiency indicator shall be the
- 9 percentage of students who progress in achieving English
- 10 language proficiency.
- 11 b. School quality and student success indicator. – The school quality and
- 12 student success indicator shall be made up of the following measures:
- 13 1. Proficiency on the Biology end-of-course test, science subtest
- 14 of a nationally recognized assessment of high school
- 15 achievement and college readiness.
- 16 2. The percentage of students who complete Algebra II or
- 17 Integrated Math III with a passing grade.
- 18 3. The percentage of students who achieve the minimum score
- 19 required for admission into a constituent institution of The
- 20 University of North Carolina on a nationally normed test of
- 21 college readiness.
- 22 4. ~~The percentage of students enrolled in Career and Technical~~
- 23 ~~Education courses who meet the standard when scoring at~~
- 24 ~~Silver, Gold, or Platinum levels on a nationally normed test of~~
- 25 ~~workplace readiness."~~

26 **SECTION 3.(e)** G.S. 115C-174.11(4) reads as rewritten:

27 "(4) ~~To the extent funds are made available, the~~ The State Board of Education shall

28 use a competitive bid process to adopt one nationally norm-referenced college

29 admissions test nationally recognized assessment of high school achievement

30 and college readiness to make available to local school administrative units,

31 regional schools, and charter schools to administer to all ~~students in the~~

32 ~~eleventh grade unless the student has already taken a comparable test and~~

33 ~~scored at or above a level set by the State Board.~~ students. The State Board of

34 Education shall require the administration of an alternate to the nationally

35 norm-referenced college admissions test nationally recognized assessment of

36 high school achievement and college readiness or an alternate precursor test

37 to the nationally norm-referenced college admissions test nationally

38 recognized assessment of high school achievement and college readiness to a

39 student who (i) exhibits severe and pervasive delays in all areas of conceptual,

40 linguistic, and academic development and in adaptive behaviors, including

41 communication, daily living skills, and self-care, (ii) is following the extended

42 content standards of the Standard Course of Study as provided in

43 G.S. 115C-81.5, or is following a course of study that, upon completing high

44 school, may not lead to admission into a college-level course of study resulting

45 in a college degree, and (iii) has a written parental request for an alternate

46 assessment in accordance with federal law.

47 The State Board of Education shall ensure that parents of students enrolled

48 in all public schools, including charter and regional schools, have the

49 necessary information to make informed decisions regarding participation in

50 the nationally norm-referenced college admissions test and precursor test.

1 Alternate assessment results and nationally norm-referenced college  
2 admissions test assessment nationally recognized assessment of high school  
3 achievement and college readiness results of students with disabilities shall be  
4 included in school accountability reports, including charter and regional  
5 schools, provided by the State Board of Education."

6 **SECTION 3.(f)** G.S. 115C-174.25 is repealed.

7 **SECTION 3.(g)** G.S. 116-11(10a) reads as rewritten:

8 "(10a) The Board of Governors, the State Board of Community Colleges, and the  
9 State Board of Education, in consultation with nonprofit postsecondary  
10 educational institutions shall plan a system to provide an exchange of  
11 information among the public schools and institutions of higher education to  
12 be implemented no later than June 30, 1995. As used in this section,  
13 "institutions of higher education" shall mean (i) public higher education  
14 institutions defined in G.S. 116-143.1(a)(3), and (ii) those nonprofit  
15 postsecondary educational institutions as described in G.S. 116-280 that  
16 choose to participate in the information exchange. The information shall  
17 include:

- 18 a. The number of high school graduates who apply to, are admitted to,  
19 and enroll in institutions of higher education;
- 20 b. College performance of high school graduates for the year  
21 immediately following high school graduation including each  
22 student's: need for remedial coursework at the institution of higher  
23 education that the student attends; performance in standard freshmen  
24 courses; and continued enrollment in a subsequent year in the same or  
25 another institution of higher education in the State;
- 26 c. The progress of students from one institution of higher education to  
27 another; and
- 28 d. Consistent and uniform public school course information including  
29 course code, name, and description.

30 The Department of Public Instruction shall generate and the local school  
31 administrative units shall use standardized transcripts in an automated format  
32 for applicants to higher education institutions. The standardized transcript  
33 shall include grade point average, class rank, end-of-course test scores, scores  
34 from the nationally recognized assessment of high school achievement and  
35 college readiness administered pursuant to G.S. 115C-174.11(c), and uniform  
36 course information including course code, name, units earned toward  
37 graduation, and credits earned for admission from an institution of higher  
38 education. The grade point average and class rank shall be calculated by a  
39 standard method to be devised by the institutions of higher education."

40 **SECTION 3.(h)** Subsections 3.(a) and 3.(e) are effective January 1, 2020 and apply  
41 beginning with testing administered for the 2020-2021 school year. Subsections 3.(b) and 3.(f)  
42 of this section are effective when they become law and apply beginning with the 2019-2020  
43 school year. Subsections 3.(c) and 3.(d) of this section are effective January 1, 2021 and apply  
44 beginning with school performance grades issued based on data from the 2020-2021 school year.  
45 Subsection 3.(g) of this section is effective July 1, 2020 and applies beginning with students  
46 entering their junior year in the 2020-2021 school year.

47  
48 **PART IV. PROHIBIT STANDARDIZED TESTING BY LOCAL SCHOOL**  
49 **ADMINISTRATIVE UNITS EXCEPT AS REQUIRED BY THE STATE BOARD OF**  
50 **EDUCATION**

1           **SECTION 4.(a)** G.S. 115C-174.11, as amended by subsection (d) of Section 3 of  
2 this act, is amended by adding a new subsection to read:

3           "(e) Local school administrative units shall use the tests provided to them by the State  
4 Board and shall not require any additional standardized tests."

5           **SECTION 4.(b)** G.S. 115C-174.12 reads as rewritten:

6 **"§ 115C-174.12. Responsibilities of agencies.**

7           (a) The State Board of Education shall establish policies and guidelines necessary for  
8 minimizing the time students spend taking tests administered through State and local testing  
9 programs, for minimizing the frequency of field testing at any one school, and for otherwise  
10 carrying out the provisions of this Article. These policies and guidelines shall include the  
11 following:

- 12           (1) Schools shall devote no more than two days of instructional time per year to  
13           the taking of practice tests that do not have the primary purpose of assessing  
14           current student ~~learning~~; learning.
- 15           (2) Students in a school shall not be subject to field tests or national tests during  
16           the two-week period preceding the administration of ~~end-of-grade tests,~~  
17           ~~end-of-course tests,~~ a State-mandated through-grade assessment, a  
18           State-mandated nationally recognized assessment of high school achievement  
19           and college readiness, or the school's regularly scheduled final ~~exams;~~  
20           ~~and exams.~~
- 21           (3) No school shall participate in more than two field tests at any one grade level  
22           during a school ~~year;~~ [and] year.
- 23           (4) All annual assessments of student achievement adopted by the State Board of  
24           Education pursuant to G.S. 115C-174.11(c)(1) and (3) and all final exams for  
25           courses shall be administered within the final 10 instructional days of the  
26           school year for year-long courses and within the final five instructional days  
27           of the semester for semester courses. Exceptions shall be permitted to  
28           accommodate a student's individualized education program and section 504  
29           (29 U.S.C. § 794) plans and for the administration of final exams for courses  
30           with national or international curricula required to be held at designated times.

31           These policies shall reflect standard testing practices to insure reliability and validity of the  
32 sample testing. The results of the field tests shall be used in the final design of each test. The  
33 State Board of Education's policies regarding the testing of children with disabilities shall (i)  
34 provide broad accommodations and alternate methods of assessment that are consistent with a  
35 student's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit  
36 the use of statewide tests as the sole determinant of decisions about a student's graduation or  
37 promotion, and (iii) provide parents with information about the Statewide Testing Program and  
38 options for children with disabilities. The State Board shall report its proposed policies and  
39 proposed changes in policies to the Joint Legislative Education Oversight Committee prior to  
40 adoption.

41           The State Board of Education may appoint an Advisory Council on Testing to assist in  
42 carrying out its responsibilities under this Article.

43           ...

44           ~~(d) By October 1 of each year, each local board of education shall notify the State Board~~  
45 ~~of Education of any local standardized testing to be administered to students by the local school~~  
46 ~~administrative unit at the direction of the local board of education in its schools and the calendar~~  
47 ~~for administering those tests. The local board of education shall include the following~~  
48 ~~information:~~

- 49           ~~(1) The source of funds supporting the local testing program.~~
- 50           ~~(2) The time allotted to administer each test.~~
- 51           ~~(3) Whether the test is a computer-based test or a paper-based test.~~

- (4) The grade level or subject area associated with the test.
- (5) The date the test results are expected to be available to teachers and parents.
- (6) The type of test, the purpose of the test, and the use of the test results.
- (7) Estimates of average time for administering tests required by the local board of education by grade level.

The local board of education shall meet the requirements of this subsection by inputting the information into the uniform calendar published by the Department of Public Instruction pursuant to subsection (e1) of this section.

(e) By November 1 of each year, the State Board of Education shall submit a report to the Joint Legislative Education Oversight Committee containing information regarding the statewide administration of the testing program, including the number and type of tests and the testing schedule, and a summary of any local testing programs reported by local boards of education to the State Board of Education in accordance with subsection (d) of this section.

(e1) By September 1 of each year, the Superintendent of Public Instruction shall publish on the Web site of the Department of Public Instruction a uniform calendar that includes schedules for State-required testing and reporting results of tests for at least the next two school years, including estimates of the average time for administering State-required standardized tests. The uniform calendar shall be provided to local boards of education in an electronic format that allows each local board of education to populate the calendar with, at a minimum, the information required by subsection (d) of this section. The uniform calendar shall be searchable by local school administrative unit and denote whether a test on the calendar is required by the State or required by a local board of education with any additional testing information specific to the local school administrative unit."

**SECTION 4.(c)** G.S. 115C-174.15 is repealed.

**SECTION 4.(d)** This section is effective when it becomes law and applies beginning with testing administered for the 2019-2020 school year.

## **PART V. PROHIBIT GRADUATION PROJECTS AS A CONDITION OF GRADUATION**

**SECTION 5.(a)** G.S. 115C-12(9d) reads as rewritten:

"(9d) Power to Develop Exit Standards and Graduation Requirements. –

...

- b. The following restrictions apply to the Board regarding Algebra I and high school graduation projects:

...

2. The Board shall not require any student to prepare a high school graduation project as a condition of graduation from high school; local boards of education may, however, require their students to complete a high school graduation project.

**SECTION 5.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

"(54a) To Ensure That Graduation Is Not Conditioned on a Graduation Project. – A student shall not be required to complete a high school graduation project as a condition of graduation from high school. Requirements for graduation shall be connected only to the completion of required courses."

**SECTION 5.(c)** This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

## **PART VI. EFFECTIVE DATE**

1                   **SECTION 6.** Except as otherwise provided, this act is effective when it becomes  
2 law.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 377

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

H377-ABE-10 [v.3]

Page 1 of 1

Amends Title [NO]  
H377-CSBE-6 [v.6]

Date March 26, 2019

Representative Elmore

- 1 moves to amend the bill on page 2, lines 4-5, by deleting the phrase "with respect to NC Check-  
2 Ins";  
3  
4 and on page 2, line 48, by replacing the phrase "G.S. 174.11(c)(1)." with the phrase "G.S. 115C-  
5 174.11(c)(1)."  
6  
7

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

☒

FAILED

TABLED



\* H 3 7 7 - A B E - 1 0 - V - 3 \*







**House Committee on Education K-12  
Tuesday, April 2, 2019 at 1:00 AM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 1:00 p.m. on April 2, 2019 in Room 643 of the Legislative Office Building. Representatives Elmore, Horn – Co-Chairs; Representatives Blackwell, Brockman -Vice-Chairs; and Representatives Ball, Beasley, Brody, Clemmons, Corbin, Farmer-Butterfield, Fisher, Fraley, Gailliard, Gill, Graham, Hardister, Henson, Iler, Lambeth, Lucas, Meyer, Potts, Riddell, Turner and White were in attendance. Also in attendance was Representative Howard.

Representative Elmore, Co-Chair, called the meeting to order at 1:06 p.m. and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

Rep. Elmore explained that Rep. Johnson had a death in the family therefore was not able to Chair the meeting today. He asked for a moment of silence for Rep. Johnson and her family.

The following bills were considered:

**HB 437, Education on the Holocaust and Genocide** (Primary Sponsors: Representative Johnson, Horn, Howard and Elmore), (Attachment 5)

Rep. Elmore recognized Rep. Howard to explain the bill. Rep. Howard explained she was standing in for Rep. Johnson because she could not attend the meeting. The bill requires the State Board of Education to integrate the Education on Holocaust and Genocide into the standard course of study. The State Board would be required to develop a curriculum for a Holocaust Studies elective that may be offered in middle schools and high schools. The course would apply beginning with the 2020-2021 school year. Rep. Elmore asked if there were any questions, he recognized Rep. Fisher. Rep. Fisher requested to make a motion at the appropriate time. Rep. Elmore asked if the public requested to speak, they may do so. He recognized Mr. Mike Abramson, Chairman of the N.C. Council on the Holocaust. Mr. Abramson, Rabbi Fred Guttman (Greensboro), Mr. Richard Schwartz, Vice Chairman of the N.C. Council on the Holocaust, all who are in support of the bill. Rabbi Fred Guttman had a handout (Attachment 6) he asked if he could distribute. Rep. Elmore asked to review the picture, approved and asked the sergeant at arms to distribute. The handout was a picture of a concentration camp building that had 800,000 shoes in it which represent those that died.



After the public spoke, Rep. Elmore asked if there were any questions from the members. He recognized Rep. Fisher at the appropriate time for a motion. Rep. Fisher gave HB 437 a favorable report with a re-referral to the Committee on Rules, Calendar and Operations of the House. Rep. Elmore put the motion before the members asked for a vote, the ayes have it, the bill passed.

Representative Elmore explained that the bills would not be heard in order of the agenda. The next bill brought before the members is HB 411.

**HB 411, Modify School Quality/Student Success** (Primary Sponsors: Representative Horn, Corbin, Elmore and Johnson), (Attachment 7)

Rep. Elmore announced there was a **PCS for HB 411, H411-CSBE-8[v.2]** (Attachment 8) before the members and asked if there were any objections, seeing none, explained the PCS was before them then recognized Rep. Horn to present the bill. Rep. Horn explained the bill is from a request from the Board of Education. The bill clarifies and combines school performance grades and College Career readiness indicators under state law to come in compliance with federal reporting purposes, basically a technical bill, he is not aware of any oppositions to the bill. Rep. Elmore asked if there were any questions from the committee, seeing none, he recognized Rep. Meyer for a motion. Rep. Meyer moved for a favorable report to the PCS and unfavorable to the original bill with a re-referral to the Committee on Rules, Calendar and Operation of the House. Rep. Elmore asked for a vote on the motion, the ayes have it, the bill passed.

**HB 434, Suicide Risk Referral/Mental Health/Teen Violence** (Primary Sponsors: Representative Horn, Cunningham, Murphy and White), (Attachment 9)

Rep. Elmore announced there was a **PCS, H434-CSBN-6 [v.4]** (Attachment 10) before the members, asked if there were any objections to the PCS, seeing none, he asked Rep. Horn if he would like to bring the **amendment, H434-ABN-28 [v.1]** (Attachment 11) before the body first, with the approval of Rep. Horn, Rep. Elmore recognized Rep. Horn to explain the amendment. Rep. Horn explained that the amendment was a technical amendment with grammar changes. Rep. Elmore asked if there were any question to the amendment, seeing none he asked for a vote on the amendment, the ayes have it, the amendment passed. Rep. Elmore recognized Rep. Horn to explain the bill. Rep. Horn explained there is an increase in suicide for children 10-14 years old. Suicide impacts everyone and is the second leading cause of death. We need training for the teachers to recognize the signs. Teen dating violence is a concern. After Rep. Horn explained the bill, Rep. Elmore asked for questions. He recognized Rep. Lucas, Iler, Brody and Meyer for questions. Rep. Horn was able to answer their questions. Rep. Elmore asked if there were any further questions, seeing none, he recognized Rep. Lucas for a motion. Rep. Lucas motioned for a favorable report to the PCS as amended and unfavorable to the original bill with a re-referral to the Committee on Health. Rep. Elmore asked for a vote on the motion, the ayes have it and the bill passed.



**HB 433, Economics & Financial Literacy Act** (Primary Sponsors: Representative Horn, Szoka, Montgomery and Hardister), (Attachment 12)

Rep. Elmore announced there was a **PCS, H433-CSTC-8 [v.4]** (Attachment 13) that he was bringing before the committee, asked if there were any objections, seeing none, he recognized Rep. Horn to explain the bill. Rep. Horn explained that financial literacy is important to all of us, it means how to use, borrow and access money. The bill would require a course in economics and personal finance as a graduation requirement for students and require professional development for teachers of that course. There is an appropriation of \$1M for professional development. After Rep. Horn explained the bill, Rep. Elmore asked staff to explain to the committee what the civic class would look like in the high school. Staff explained that the current civic course contains civic and economic in one class. The bill would separate out the economic course into its own course. After staff explained the full credit course and what the requirements would be, Rep. Elmore asked if there were any questions. He recognized Rep. Beasley. Rep. Beasley acknowledged he would like to give a motion. Rep. Elmore recognized Rep. Brody, Corbin, and Farmer-Butterfield for questions, concerns and comments. Rep. Horn answered their questions. Rep. Elmore recognized Mr. James Falkenbury from the Lt. Governor's Office. Mr. Falkenbury explained their office has been working with Rep. Horn and bill sponsors. He then asked if there were any specific questions from the members, to please contact him. He stated that NC participated in PESA financial literacy test, an international test (one of two states that did it) and the results were not great. He stated we are not giving the students the skills that they need to graduate. The course will help the students. He also explained that 37 other states currently have the financial literacy stand-alone course. After Mr. Falkenbury spoke, Rep. Elmore asked if there were any further questions, seeing none, he recognized Rep. Beasley for a motion. Rep. Beasley gave a favorable report to the PCS unfavorable to original bill with a re-referral to Appropriation Education. Rep. Elmore brought the motion before the committee for a vote, the ayes have it, the bill passed.

There being no further business before the Committee, Representative Elmore adjourned the meeting at 1:50 P.M.

Respectfully submitted:

  
Representative Jeffrey Elmore, Co-Chair

  
Linda M. Stevenson, Committee Clerk



Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. HB 437 and Summary
6. Handout – Photo of Concentration Camp with 800,000 shoes
7. HB 411 and Summary
8. PCS H411-CSBE-8 [v.2]
9. HB 434 and Summary
10. PCS H434-CSBN-6 [v.4]
11. Amendment H434-ABN-28 [v.1]
12. HB 433 and Summary
13. PCS H433-CSTC-8 [v.8]





**House Committee on Education - K-12**  
**Tuesday, April 2, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 411	Modify School Qual./Student Success Indicator.	Representative Horn Representative Corbin Representative Elmore Representative Johnson
HB 433	Economics & Financial Literacy Act.	Representative Horn Representative Szoka Representative Montgomery Representative Hardister
HB 434	Suicide Risk Ref./Mental Health/Teen Violence.	Representative Horn Representative Cunningham Representative Murphy Representative White
HB 437	Education on the Holocaust and Genocide.	Representative Johnson Representative Horn Representative Howard Representative Elmore

**Presentations**

**Other Business**

**Adjournment**



**House Committee on Education - K-12**  
**Tuesday, April 2, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

*PCS*      **BILL NO.**    **SHORT TITLE**  
HB 411 ③    Modify School Qual./Student Success  
Indicator.

*PCS*      HB 433 ④    Economics & Financial Literacy Act.

*PCS*      ✓ HB 434 ③    Suicide Risk Ref./Mental Health/Teen  
Violence.

✓ HB 437 ⑥    Education on the Holocaust and  
Genocide.

**SPONSOR**

Representative Horn  
Representative Corbin  
Representative Elmore  
Representative Johnson  
Representative Horn  
Representative Szoka  
Representative Montgomery  
Representative Hardister  
Representative Horn  
Representative Cunningham  
Representative Murphy  
Representative White  
Representative Johnson  
Representative Horn  
Representative Howard  
Representative Elmore

**Presentations**

**Other Business**

**Adjournment**



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

<b>HB 411</b>	Modify School Qual./Student Success Indicator. Draft Number: H411-PCS10325-BE-8 <b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b> Recommended Referral: None Long Title Amended: Yes Floor Manager: Horn
<b>HB 433</b>	Economics & Financial Literacy Act. Draft Number: H433-PCS30252-TC-8 <b>Serial Referral: APPROPRIATIONS, EDUCATION</b> Recommended Referral: None Long Title Amended: Yes Floor Manager: Horn
<b>HB 434</b>	Suicide Risk Ref./Mental Health/Teen Violence. Draft Number: H434-PCS40265-BN-6 <b>Serial Referral: HEALTH</b> Recommended Referral: None Long Title Amended: Yes Floor Manager: Horn

**TOTAL REPORTED: 3**



\* C M R 2 0 4 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 411**

Modify School Qual./Student Success Indicator.

Draft Number: H411-PCS10325-BE-8

Serial Referral: **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Horn

TOTAL REPORTED: 1



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





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 437**

Education on the Holocaust and Genocide.

Draft Number: None

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Howard

**TOTAL REPORTED: 1**



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



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	4/12/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	-																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	-																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	✓																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		
Rep. Larry Potts	✓																		



DATES																	
	4/12/19																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	-																
Rep. Larry Strickland	-																
Rep. Rena Turner	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	



**Hous Pages**  
**Assignments**  
**Tuesday, April 02, 2019**  
**Session: 4:45 PM**

Committee	Room	Time	Staff	Comments	Member
Education - K-12	643	1:00 PM	Meigan Bagwell		Rep. Terence Everitt
			Zoe Egan		Rep. John Autry
			Aimee Heroux		Rep. Lisa Barnes
Aging	1228/1327	2:00 PM	Sarah Hammond		Rep. Allison A. Dahle
			Madison Vasilko		Rep. Allison A. Dahle





Committee Sergeants at Arms

NAME OF COMMITTEE House Committee On Education K-12

DATE: 04/02/2019 Room: 643 LOB

House Sgt-At Arms:

1. Name: Terry McCraw
2. Name: Jim Moran
3. Name: Thomas Terry
4. Name: Will Crocker
5. Name:

Senate Sgt-At Arms:

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



*Speakers Public*  
~~VISITOR~~ REGISTRATION SHEET *Comment*

House Committee on Education K-12

04/02/2019



Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

	
Steve Mostofsky	NC Holocaust Council
RABBI FRED GUTTMAN	TEMPLE EMANUEL GREENSBORO
Mark Werner	
Michael Abramson	mabram Chairman, NC Council on the Holocaust
Jamie Falkenberg	Lt. Gov. Office
Richard Swartz	re. NC Council on the Holocaust



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/02/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

CADY Thomas	FPA
Jed Maynard	Beginning
Matt Archer	↓
Diane Dark	Beginning
Lee Tapp	JAG
Leanne Wain	NCSAP
Bruce Milder	NCSAP
Adam Proctor	NCAAC
Matt "14" Ellinwood	Justice Center
Kellie Hatcher	CFTF
Kay Castillo	NASW-NC
Elia Benson	SEANC
Rasha Fordson	SEANC
Diana Fordson	NCS



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/02/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Shelly Parkinson	Parkinson Law
Leah Sutton	Best NC
Martez Lee	Smilie
Caroline Mundy	NC State : Social Work Dpt.
M. Frank Wamble	NCCAT
Jordan Peterson	Relate Advocacy
ED KITCHEN	READY FOR SCHOOL/ READY FOR LIFE
Pat Danahy	NC Partnership for Children
Jackie S. Hamilton	JSC
Kirsten Miller	JSC





## VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/02/2019

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Sallie James

Governor's office

Amanda Falkenberg

✓

Tammy Howard

7C01I

Kevin Wilkins

NC DP

Mike Leigh

NC DMHS

C. H. de

507



## SPEAKER REGISTRATION SHEET

Name of Committee

Date \_\_\_\_\_

SPEAKERS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

[illegible]





## HOUSE BILL 437: Education on the Holocaust and Genocide.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 2, 2019
<b>Introduced by:</b>	Reps. Johnson, Horn, Howard, Elmore	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

---

**OVERVIEW:** *House Bill 437 would require the State Board of Education (State Board) to integrate education on the Holocaust and genocide into the standard course of study.*

**CURRENT LAW:** Under G.S. 115C-12(9c) and G.S. 115C-81.5, the State Board is required to develop and mandate content standards and the standard course of study in the core academic areas of reading, writing, mathematics, science, history, geography, and civics.

**BILL ANALYSIS:** House Bill 437 would require the State Board to integrate education on the Holocaust and genocide into English courses, social studies courses, and other courses as appropriate. Additionally, the State Board would be required to develop a curriculum for a Holocaust Studies elective that may be offered in middle schools and high schools.

The Department of Public Instruction (DPI) would be required to ensure that curriculum content is provided to schools, and local boards of education would be required to ensure that professional development is provided to teachers. The North Carolina Council on the Holocaust and the North Carolina Center for the Advancement of Teaching could be authorized to provide the curriculum content and professional development.

**EFFECTIVE DATE:** The bill would be effective when it becomes law and would apply beginning with the 2020-2021 school year.

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.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 437

Short Title: Education on the Holocaust and Genocide. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 25, 2019

A BILL TO BE ENTITLED  
AN ACT TO INTEGRATE EDUCATION ON THE HOLOCAUST AND GENOCIDE INTO  
THE STANDARD COURSE OF STUDY.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as the "Gizella Abramson Holocaust Education Act."

**SECTION 2.** The General Assembly finds that knowledge of the Holocaust is essential to provide students with the fundamental understanding of geography, history, and political systems necessary to make informed choices on issues that affect individuals, communities, states, and nations.

**SECTION 3.** Part 1 of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-81.57. Education on the Holocaust and genocide.**

(a) The State Board of Education shall review the middle school and high school standard course of study and, in consultation and coordination with the North Carolina Council on the Holocaust and the North Carolina Center for the Advancement of Teaching, shall (i) integrate into English, social studies courses, and other courses as appropriate, education on the Holocaust and genocide and (ii) develop a curriculum for a Holocaust Studies elective that may be offered in middle schools and high schools of local school administrative units.

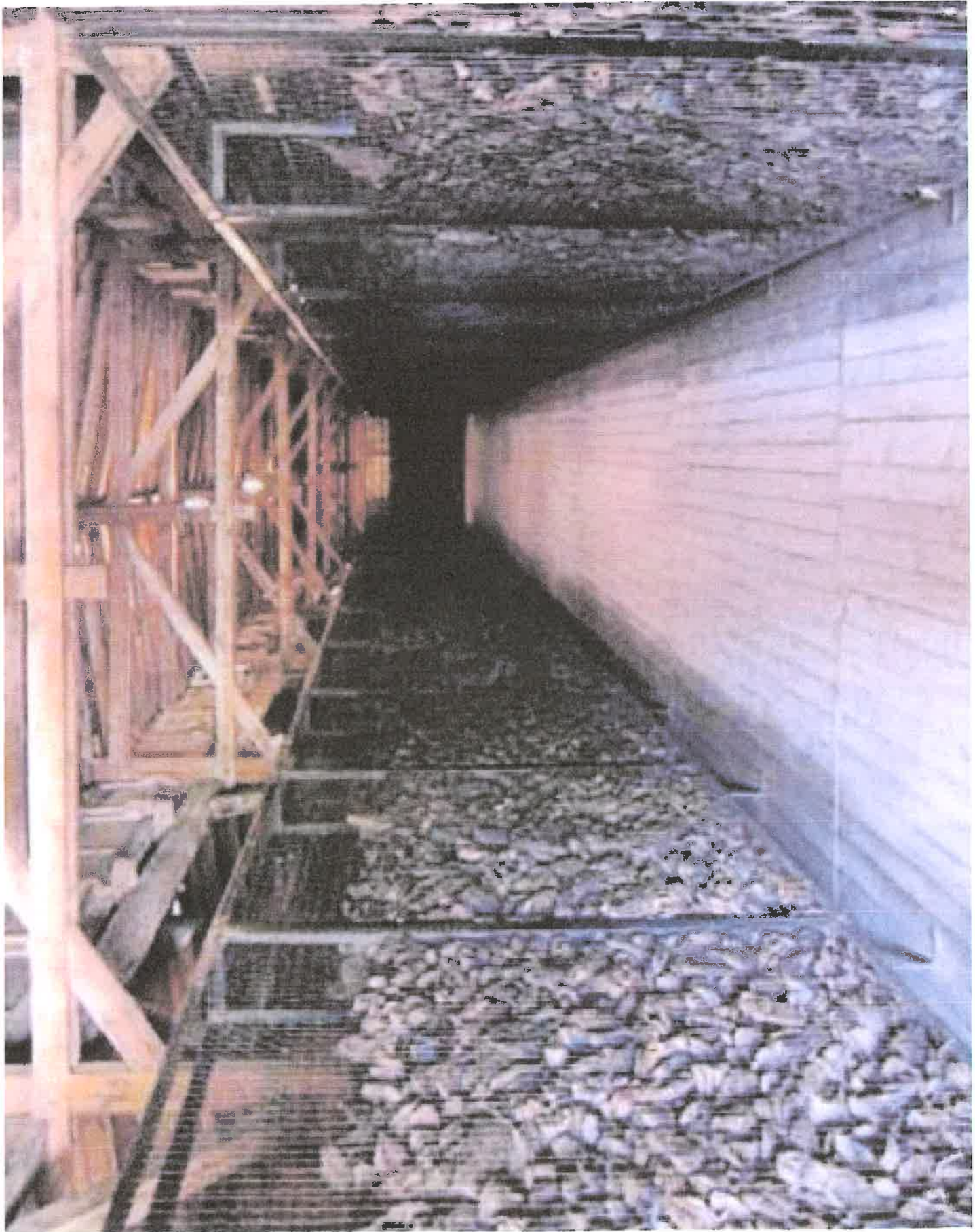
(b) The Department of Public Instruction shall provide or cause to be provided curriculum content and local boards of education shall provide or cause to be provided professional development to ensure that the intent and provisions of this section are effectively implemented. The North Carolina Council on the Holocaust and the North Carolina Center for the Advancement of Teaching may, in consultation with the Department of Public Instruction and local boards of education, provide curriculum content and professional development."

**SECTION 4.** This act is effective when it becomes law and applies beginning with the 2020-2021 school year.













# HOUSE BILL 411: Modify School Qual./Student Success Indicator.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 2, 2019
<b>Introduced by:</b>	Reps. Horn, Corbin, Elmore, Johnson	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H411-CSBE-8		Committee Co-Counsel

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**OVERVIEW:** *The 1st edition of House Bill 411 would combine career and college readiness indicators for schools that are reported in compliance with the federal Every Student Succeeds Act (ESSA). The PCS clarifies that the career and college readiness indicators would be combined for both school performance grades required under State law as well as for federal reporting purposes.*

**CURRENT LAW:** Under ESSA, states must annually measure school performance on certain indicators, such as academic achievement, student growth, and graduation rate. States must include at least one school quality and student success indicator, such as career or college readiness, that is (i) valid and reliable; (ii) used statewide for all students; and (iii) allows for meaningful differentiation of school performance.

Under G.S. 115C-83.15, school performance grades are calculated using multiple measures. Two of those measures are (i) college readiness, as measured by performance on a nationally normed test of college readiness, such as the ACT, and (ii) career readiness, as measured by a workplace readiness test. The college readiness indicator is based on the performance of all students, while the career readiness indicator is only based on the performance of students who complete a concentration of Career and Technical Education (CTE) courses, which is out of compliance with ESSA because it is only based on a subset of students.

G.S. 115C-83.16 requires the career and college readiness indicators calculated as part of the school performance grades to also be used as school quality and student success indicators for federal reporting purposes.

To comply with ESSA, S.L. 2018-97 required the combination of the career and college readiness indicators so that high schools earn one point for each percent of students who are either career ready or college ready. However, the requirement only affects performance grades based on data from the 2017-2018 school year. Going forward, the career readiness indicator would be out of compliance with ESSA.

**BILL ANALYSIS:** The PCS to House Bill 411 would require the State Board of Education to combine the career and college readiness measures so a high school would earn one point for each percent of students who are either college ready or career ready.

**EFFECTIVE DATE:** The PCS would be effective when it becomes law and would apply to measures based on data from the 2018-2019 school year and each school year thereafter.

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.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 411  
PROPOSED COMMITTEE SUBSTITUTE H411-CSBE-8 [v.2]

03/29/2019 10:53:47 AM

Short Title: Modify School Qual./Student Success Indicator.

(Public)

Sponsors:

Referred to:

March 21, 2019

A BILL TO BE ENTITLED  
AN ACT TO COMBINE THE CAREER AND COLLEGE READINESS INDICATORS USED  
FOR SCHOOL PERFORMANCE GRADES AND FOR THE PURPOSE OF  
COMPLIANCE WITH FEDERAL LAW FOR GRADES NINE THROUGH TWELVE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-83.15(b)(2) reads as rewritten:

"(2) For schools serving any students in ninth through twelfth grade, the State Board shall assign points on the following measures available for that school:

...

e. One point for each percent of students who either (i) achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness.

~~f. One point for each percent of students readiness or (ii) are enrolled in Career and Technical Education courses who meet the standard when scoring and score at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness.~~

g. One point for each percent of students who graduate within four years of entering high school.

h. One point for each percent of students who progress in achieving English language proficiency.

In calculating the overall school achievement score earned by schools, the State Board of Education shall (i) use a composite approach to weigh the achievement elements based on the number of students measured by any given achievement element and (ii) proportionally adjust the scale to account for the absence of a school achievement element for award of scores to a school that does not have a measure of one of the school achievement elements annually assessed for the grades taught at that school. The overall school achievement score shall be translated to a 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8."

**SECTION 2.** G.S. 115C-83.16(a)(2) reads as rewritten:

"(2) For schools serving any students in ninth through twelfth grade, the State Board shall define the indicators as follows:

...

b. School quality and student success indicator. – The school quality and student success indicator shall be made up of the following measures:

1. Proficiency on the Biology end-of-course test.



\* H 4 1 1 - C S B E - 8 \*

- 1 2. The percentage of students who complete Algebra II or
- 2 Integrated Math III with a passing grade.
- 3 3. The percentage of students who either (i) achieve the minimum
- 4 score required for admission into a constituent institution of
- 5 The University of North Carolina on a nationally normed test
- 6 of college ~~readiness~~.
- 7 4. ~~The percentage of students readiness or (ii)~~ are enrolled in
- 8 Career and Technical Education courses ~~who meet the standard~~
- 9 ~~when scoring and score~~ at Silver, Gold, or Platinum levels on
- 10 a nationally normed test of workplace readiness."

11 **SECTION 2.** This act is effective when it becomes law and applies to measures  
12 based on data from the 2018-2019 school year and each school year thereafter.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 411

Short Title: Modify School Qual./Student Success Indicator. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 21, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE SCHOOL QUALITY AND STUDENT SUCCESS INDICATOR  
USED FOR THE PURPOSE OF COMPLIANCE WITH FEDERAL LAW FOR GRADES  
NINE THROUGH TWELVE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-83.16(a)(2) reads as rewritten:

"(2) For schools serving any students in ninth through twelfth grade, the State Board shall define the indicators as follows:

...

b. School quality and student success indicator. – The school quality and student success indicator shall be made up of the following measures:

1. Proficiency on the Biology end-of-course test.
2. The percentage of students who complete Algebra II or Integrated Math III with a passing grade.
3. The percentage of students who either (i) achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness.
4. ~~The percentage of students readiness or (ii) are enrolled in Career and Technical Education courses who meet the standard when scoring and score at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness."~~

**SECTION 2.** This act is effective when it becomes law and applies to measures based on data from the 2018-2019 school year and each school year thereafter.









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## HOUSE BILL 434: Suicide Risk Ref./Mental Health/Teen Violence.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 2, 2019
<b>Introduced by:</b>	Reps. Horn, Cunningham, Murphy, White	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	PCS to First Edition H434-CSBN-6		Staff Attorney

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**OVERVIEW:** *House Bill 434 would require local boards of education to adopt and implement (i) a suicide risk referral protocol and (ii) a policy against teen dating and violence. The bill would also encourage local boards of education to adopt a mental health training program.*

*The PCS to House Bill 434 makes technical and clarifying changes. The PCS would require local boards of education to adopt a mental health training program. The PCS would also extend the requirements of adopting and implementing (i) a suicide risk referral protocol, (ii) a mental health training program, and (iii) a policy against teen dating and violence to charter schools, regional schools, innovative schools, laboratory schools, and the Renewal School System schools to adopt and implement.*

### CURRENT LAW and BILL ANALYSIS:

**Section 1** of the PCS would require each local board of education, charter school, regional school, innovative school, laboratory school, and the Renewal School System (public schools) to adopt for school personnel who work directly with students in grades Kindergarten through 12 (i) a suicide risk referral protocol and (ii) a mental health training program.

The suicide risk referral protocol would be required to, at a minimum, do the following:

- Inform school personnel of suicide risk referral procedures, including the provision of training.
- Establish crisis teams.
- Inform school personnel on how to identify and intervene in appropriate situations.

The mental health training program would be required to, at a minimum, address the following topics:

- Youth mental health.
- Suicide prevention.
- Substance abuse.
- Sexual abuse prevention.
- Sex trafficking prevention.

Public schools would be required to periodically review and update the adopted suicide risk referral protocols and mental health training programs, as necessary.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 434

Page 2

Nothing in this section of the PCS would impose an additional duty on a public school. No public school would be liable in civil damages to any part for any loss or damage caused by any act or omission relating to the suicide risk referral protocol or mental health training program, unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.

The PCS would require that the suicide risk referral protocols and mental health training programs adopted by public schools meet the requirements developed by the Superintendent's Working Group on Health and Well Being, created pursuant to Section 5 of S.L. 2018-32.

**Section 2** of the PCS would require each public school to adopt a policy against teen dating violence. The policy would do all of the following:

- Define dating violence and abuse.
- Prohibit dating violence and abuse by any student on school property, including during a school-sponsored activity or during school-sponsored transportation.
- Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.
- Be implemented in a manner that is integrated with the discipline policies of the school.

Additionally, public schools would be required to provide instruction on teen dating violence and abuse, as defined in the policy.

**EFFECTIVE DATE:** House Bill 434 would be effective when it becomes law. Each public school would be required to adopt a suicide risk referral protocol, a mental health training program, and a policy against teen dating and violence by July 1, 2020. Each public school shall provide instruction about dating violence and abuse beginning with the 2020-2021 school year.

**BACKGROUND:** The report of the Superintendent's Working Group on Health and Well Being created pursuant to Section 5 of S.L. 2018-32 can be found here:

<https://www.ncleg.gov/documentsites/committees/JLEOC/Reports%20Received/2018%20Reports%20Received/Recommendations%20from%20Superintendent%E2%80%99s%20Working%20Group%20on%20Student%20Health%20&%20Well-Being.pdf>.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 434  
PROPOSED COMMITTEE SUBSTITUTE H434-CSBN-6 [v.4]

04/01/2019 07:56:07 PM

Short Title: Suicide Risk Ref./Mental Health/Teen Violence.

(Public)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS,  
REGIONAL SCHOOLS, INNOVATIVE SCHOOLS, LABORATORY SCHOOLS, AND  
THE RENEWAL SCHOOL SYSTEM TO ADOPT AND IMPLEMENT A SUICIDE RISK  
REFERRAL PROTOCOL, A MENTAL HEALTH TRAINING PROGRAM, AND A  
POLICY AGAINST TEEN DATING VIOLENCE AND ABUSE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

**"(64) To Adopt a Suicide Risk Referral Protocol and a Mental Health Training Program.** – Each local board of education shall adopt and implement a suicide risk referral protocol and a mental health training program for school personnel who work directly with students in grades Kindergarten through 12, as required by G.S. 115C-375.11."

**SECTION 1.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

**"(g) Suicide Risk Referral Protocol and Mental Health Training Program.** – A charter school shall adopt and implement a suicide risk referral protocol and a mental health training program in accordance with G.S. 115C-375.11."

**SECTION 1.(c)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

**"(14) Suicide Risk Referral Protocol and Mental Health Training Program –**  
The board of directors shall adopt and implement a suicide risk referral protocol and a mental health training program in accordance with G.S. 115C-375.11."

**SECTION 1.(d)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

**"(17) Suicide Risk Referral Protocol and Mental Health Training Program –**  
The chancellor shall adopt and ensure implementation of a suicide risk referral protocol and a mental health training program in accordance with G.S. 115C-375.11."

**SECTION 1.(e)** Section 6(d)(2) of S.L. 2018-32 is amended by adding a new subdivision to read:

**"p. (64) [To Adopt a Suicide Risk Referral Protocol and a Mental Health Training Program.]"**

**SECTION 1.(f)** The title of Article 25A of Chapter 115C of the General Statutes reads as rewritten:

"Article 25A.

"Special Medical Needs and Mental Health Needs of Students."



SECTION 1.(g) Article 25A of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-375.11. Suicide risk referral protocol and mental health training program required.**

(a) Each local board of education shall adopt and implement a suicide risk referral protocol for school personnel who work directly with students in grades Kindergarten through 12. The protocol shall, at a minimum, do all of the following:

- (1) Inform school personnel of suicide risk referral procedures, including the provision of training.
- (2) Establish crisis teams.
- (3) Inform school personnel on how to identify and intervene in appropriate situations.

(b) Each local board of education shall adopt and implement a mental health training program for school personnel who work directly with students in grades Kindergarten through 12. The mental health training program adopted by a local board of education shall address the following topics:

- (1) Youth mental health.
- (2) Suicide prevention.
- (3) Substance abuse.
- (4) Sexual abuse prevention.
- (5) Sex trafficking prevention.

(c) Local boards of education shall periodically review and update their adopted suicide risk referral protocols and mental health training programs, as necessary.

(d) Nothing in this section shall be construed to impose an additional duty on any entity required to adopt a policy by G.S. 115C-47(64), G.S. 115C-218.75(a), G.S. 115C-238.66(14), or G.S. 116-239.8(b)(17), or its employees to provide referrals, suicide prevention measures, or mental health services to students of the unit.

(e) No entity required to adopt a policy by G.S. 115C-47(64), G.S. 115C-218.75(a), G.S. 115C-238.66(14), or G.S. 116-239.8(b)(17), nor its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act or omission relating to the provision of, participation in, or implementation of any component of a suicide risk referral protocol or mental health training program required by this section, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose any specific duty of care or standard of care on an entity required to adopt a policy by G.S. 115C-47(64), G.S. 115C-218.75(a), G.S. 115C-238.66(14), or G.S. 116-239.8(b)(17)."

SECTION 1.(h) This section is effective when it becomes law. Each entity required by Section 1.(a), (b), (c), (d), and (e) to adopt and implement a suicide risk referral protocol and mental health training program shall do so by July 1, 2020. The suicide risk referral protocols and mental health training programs adopted by each entity shall meet the requirements developed by the Superintendent's Working Group on Health and Well Being pursuant to Section 5 of S.L. 2018-32. The Superintendent of Public Instruction shall ensure that a copy of these requirements is made available to each entity by October 15, 2019.

SECTION 2.(a) G.S. 115C-47 is amended by adding a new subdivision to read:

**"(65) To Adopt a Policy Against Teen Dating Violence. – Each local board of education shall adopt and implement a dating violence and abuse policy. The policy shall do all of the following:**

- a. Define dating violence and abuse.
- b. Prohibit dating violence and abuse by any student on school property, including during a school-sponsored activity or during school-sponsored transportation.



- 1                   c.     Provide procedures for responding to such incidents of dating violence  
2                         or abuse, including accommodations for students experiencing dating  
3                         violence or abuse.  
4                   d.     Be implemented in a manner that is integrated with the discipline  
5                         policies of the school."

6     **SECTION 2.(b)** G.S. 115C-81.30(a) is amended by adding a new subdivision to  
7 read:

8     "(14) Teach about dating violence and abuse, as defined in the local board policy  
9     adopted under G.S. 115C-47(66)."

10    **SECTION 2.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

11    "(h) **Policy Against Teen Dating Violence.** – A charter school shall adopt and implement  
12 a dating violence and abuse policy. The policy shall do all of the following:

- 13           (1)    Define dating violence and abuse.  
14           (2)    Prohibit dating violence and abuse by any student on school property,  
15                   including during a school-sponsored activity or during school-sponsored  
16                   transportation.  
17           (3)    Provide procedures for responding to such incidents of dating violence or  
18                   abuse, including accommodations for students experiencing dating violence  
19                   or abuse.  
20           (4)    Be implemented in a manner that is integrated with the discipline policies of  
21                   the school."

22    **SECTION 2.(d)** G.S. 115C-218.85(a) is amended by adding a new subdivision to  
23 read:

24    "(5) The school shall teach about dating violence and abuse, as defined in the  
25    policy adopted under G.S. 115C-218.75(h). If the school has a reproductive  
26    health and safety education program, instruction on dating violence and abuse  
27    shall be incorporated into the program."

28    **SECTION 2.(e)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

29    "(15) **Policy Against Teen Dating Violence.** – The board of directors shall adopt  
30 and implement a dating violence and abuse policy. The policy shall do all of  
31 the following:

- 32           a.     Define dating violence and abuse.  
33           b.     Prohibit dating violence and abuse by any student on school property,  
34                   including during a school-sponsored activity or during  
35                   school-sponsored transportation.  
36           c.     Provide procedures for responding to such incidents of dating violence  
37                   or abuse, including accommodations for students experiencing dating  
38                   violence or abuse.  
39           d.     Be implemented in a manner that is integrated with the discipline  
40                   policies of the school."

41    **SECTION 2.(f)** G.S. 115C-238.66(1) is amended by adding a new sub-  
42 subdivision to read:

43    "e. The board of directors shall ensure that instruction on dating violence  
44    and abuse is provided, as defined in the policy adopted under G.S.  
45    115C-238.66(15). If the school has a reproductive health and safety  
46    education program, instruction on dating violence and abuse shall be  
47    incorporated into the program."

48    **SECTION 2.(g)** G.S. 116-239.8(b) is amended by adding a new subdivision to  
49 read:

1        "(18) Policy Against Teen Dating Violence. – The chancellor shall adopt and  
2        ensure implementation of a dating violence and abuse policy. The policy shall  
3        do all of the following:

4        a. Define dating violence and abuse.

5        b. Prohibit dating violence and abuse by any student on school property,  
6        including during a school-sponsored activity or during  
7        school-sponsored transportation.

8        c. Provide procedures for responding to such incidents of dating violence  
9        or abuse, including accommodations for students experiencing dating  
10       violence or abuse.

11       d. Be implemented in a manner that is integrated with the discipline  
12       policies of the school."

13       **SECTION 2.(h)** G.S. 116-239.8(b)(2) is amended by adding a new sub-subdivision  
14       to read:

15       "d. The board of directors shall ensure that instruction on dating violence  
16       and abuse is provided, as defined in the policy adopted under G.S.  
17       115C-239.8(b)(18). If the school has a reproductive health and safety  
18       education program, instruction on dating violence and abuse shall be  
19       incorporated into the program."

20       **SECTION 2.(i)** Section 6(d)(2) of S.L. 2018-32 is amended by adding a new sub-  
21       subdivision to read:

22       "q. (65) [To Adopt a Policy Against Teen Dating Violence.]"

23       **SECTION 2.(j)** This section is effective when it becomes law. Each entity required  
24       by Section 2.(a), (c), (e), (g), and (i) to adopt and implement a policy against teen dating violence  
25       shall do so by July 1, 2020. Each entity required by 2.(b), (d), (f), and (h) to provide instruction  
26       on dating violence and abuse shall do so beginning with the 2020-2021 school year.

27       **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
28       law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 434

Short Title: Suicide Risk Ref./Mental Health/Teen Violence. (Public)

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

Referred to: Education - K-12, if favorable, Health, if favorable, Rules, Calendar, and  
Operations of the House

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT AND IMPLEMENT  
A SUICIDE RISK REFERRAL PROTOCOL AND A POLICY AGAINST TEEN DATING  
VIOLENCE AND ABUSE AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION  
TO ADOPT AND IMPLEMENT A MENTAL HEALTH TRAINING PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The title of Article 25A of Chapter 115C of the General Statutes  
reads as rewritten:

"Article 25A.

"Special Medical and Mental Health Needs of Students."

**SECTION 1.(b)** Article 25A of Chapter 115C of the General Statutes is amended by  
adding a new section to read:

**"§ 115C-375.11. Suicide risk referral protocol required; mental health training program  
encouraged.**

(a) No later than July 1, 2020, each local board of education shall adopt and implement  
a suicide risk referral protocol for school personnel who work directly with students in grades K  
through 12. The protocol shall meet the minimum requirements for a suicide risk referral protocol  
developed by the Superintendent's Working Group on Health and Well-Being pursuant to Section  
5 of S.L. 2018-32, including requirements to do all of the following:

- (1) Inform school personnel of suicide risk referral procedures, including the  
provision of training.
- (2) Establish crisis teams.
- (3) Identify and intervene in appropriate situations.

(b) Each local board of education is encouraged to adopt and implement a mental health  
training program for school personnel who work directly with students in grades K through 12.  
Any mental health training program adopted by a local board of education shall meet the  
minimum requirements for a mental health training program developed by the Superintendent's  
Working Group on Health and Well-Being pursuant to Section 5 of S.L. 2018-32 and address the  
following topics:

- (1) Youth mental health.
- (2) Suicide prevention.
- (3) Substance abuse.
- (4) Sexual abuse prevention.
- (5) Sex trafficking prevention.



1       (c) Local boards of education shall periodically review and update their adopted suicide  
2 risk referral protocols and mental health training programs, as necessary.

3       (d) Nothing in this section shall be construed to impose an additional duty on a local  
4 school administrative unit or its employees to provide referral, suicide prevention, or mental  
5 health services to students of the unit.

6       (e) No local board of education, nor its members, employees, designees, agents, or  
7 volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act  
8 or omission relating to the provision of, participation in, or implementation of any component of  
9 a suicide risk referral protocol required by this section or mental health training program  
10 encouraged by this section, unless that act or omission amounts to gross negligence, wanton  
11 conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose any  
12 specific duty of care or standard of care on a local school administrative unit."

13       **SECTION 2.** Subchapter VI of Chapter 115C of the General Statutes is amended by  
14 adding a new Article to read:

15                               "Article 29D.

16                               "Student Dating Violence and Abuse Prevention.

17 **"§ 115C-407.25. Policy against dating violence and abuse.**

18       No later than July 1, 2020, each local board of education shall adopt and implement a dating  
19 violence and abuse policy. The policy shall do all of the following:

- 20           (1) Prohibit dating violence and abuse by any student on school property during  
21 a school-sponsored activity or during school-sponsored transportation.  
22           (2) Provide procedures for responding to such incidents of dating violence or  
23 abuse, including accommodations for students experiencing dating violence  
24 or abuse.  
25           (3) Define dating violence and abuse and provide for a teen dating violence and  
26 abuse component in the reproductive health and safety education program set  
27 forth in G.S. 115C-81.30.  
28           (4) Be implemented in a manner that is integrated with each school district's  
29 discipline policies."

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





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 434

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

H434-ABN-28 [v.1]

Page 1 of 1

Amends Title [NO]  
First Edition

Date April 2, 2019

Representative Horn

1 moves to amend the bill on page 1, line 19, by rewriting the line to read:

2 ""(14) Suicide Risk Referral Protocol and Mental Health Training Program. -";

3  
4 On page 1, line 24, by rewriting the line to read:

5 ""(17) Suicide Risk Referral Protocol and Mental Health Training Program. -";

6  
7 On page 2, lines 25, 28, and 35, by deleting the phrase "G.S. 115C-218.75(a)," each time it  
8 appears and substituting the phrase "G.S. 115C-218.75(g)";

9  
10 On page 2, line 26, by rewriting the line to read:

11 "G.S. 116-239.8(b)(17), or its employees, to provide referrals, suicide prevention measures, or";

12  
13 On page 3, line 9, by deleting the phrase "G.S. 115C-47(66)."" and substituting the phrase "G.S.  
14 115C-47(65)."";

15  
16 And on page 4, line 25, by inserting between the words "by" and "2.(b)," the word "Section".

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED



\* H 4 3 4 - A B N - 2 8 - V - 1 \*





# HOUSE BILL 433: Economics & Financial Literacy Act.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 2, 2019
<b>Introduced by:</b>	Reps. Horn, Szoka, Montgomery, Hardister	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H433-CSTC-8		Committee Counsel

**OVERVIEW:** *HB 433 would require a new semester course in economics and personal finance (EPF) as a graduation requirement for students, as well as require professional development for teachers of that course. \$1,063,800 would be appropriated to the North Carolina Council on Economic Education to provide for the professional development, including travel expenses and a stipend for teachers.*

*The PCS for HB 433 would make the following changes:*

- *Restore requirement that financial literacy should be provided for all students.*
- *Require the EPF course include, at a minimum, certain Council for Economic Education standards.*
- *Require the EPF course be a full credit course.*
- *Clarify State Board of Education responsibility to require professional development for EPF course for all public schools.*
- *Require the EPF class be a graduation requirement for student entering 9<sup>th</sup> grade in 2020-2021.*
- *Clarify existing language to require a full credit course on civics literacy at the high school level. This new class would be a graduation requirement for students entering as 9<sup>th</sup> graders in 2021-2022.*
- *Require the State Board to begin to review and revise the social studies standard course of study in the 2019-2020 school year, in accordance with the act, and to limit the requirements of social studies credits for graduation to no more than four.*

**CURRENT LAW:** G.S. 115C-81.65 requires instruction in personal financial literacy for all students, including integration in the high school standard course of study that should include, at a minimum, the following:

- (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.

Under the current NC Standard Course of Study, economics and financial literacy is taught as part of the American History: Founding Principles, Civics and Economics course.

Laren Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 433

Page 2

In 2017, the General Assembly required the establishment of a three-year Financial Literacy Elective Course Pilot Program for the 2017-2018, 2018-2019, and 2019-2020 school years. The elective course is available to all public schools.

G.S. 115C-81.45 currently requires the State Board of Education (SBE) to include instruction in civic and citizenship education in the standard course of study for high school social studies, and requires the teaching of a semester course that students must pass to graduate high school on the Founding Principles of the United States of America and the State of North Carolina.

**BILL ANALYSIS:** The PCS for HB 433 would require the SBE to require a full credit course focused solely on economics and personal finance (EPF), which students must pass in order to graduate from high school. The requirement would apply to students entering 9th grade in the 2020-2021 school year. The course content would, as a minimum, include the standards in the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy developed by the Council for Economic Education. The course would also be required to include, at a minimum, instruction on planning and paying for postsecondary education in addition to the requirements for personal financial literacy in existing law. The requirements for personal financial literacy would also apply to charter schools, regional schools, the innovative school district, laboratory schools, and the renewal school district.

Beginning July 1, 2019, the SBE would require EPF teachers receive professional development to ensure the provision is carried out, and to the extent funds are available, require public schools to make available the EPF professional development course provided by the North Carolina Council on Economic Education (NCCEE) at the approved location most conveniently located to the school.

Effective July 1, 2019, a one-time appropriation of \$1,063,800 would be provided in 2019-2020 to NCCEE to provide professional development to teachers of the EPF course. The funds would be used for the following:

- The professional development course, including administration of the Test of Economic Literacy and the Working in Support of Education personal finance test.
- A \$500 stipend. The stipend would be paid to either the teacher if the course is completed outside the school year, or the teacher's employer if the course is completed on school days.

NCCEE would be required to report on those activities and use of State funds by September 1 of the year following the use of State funds to the Joint Legislative Education Oversight Committee and Fiscal Research Division.

Current requirements for civics education in high school would be merged with the existing Founding Principles course, and that course, entitled the Founding Principles of the United States of America and North Carolina: Civic Literacy, would be required to be a full credit course. The new course would apply to all students entering the ninth grade in the 2021-2022 school year.

The SBE would be required to begin the process for revision of the K-12 social studies standard course of study, in accordance with the requirements of HB 433. The SBE would be required to determine the appropriate grade levels for the EPF and Founding Principles courses, and could not require more than four full course credits in social studies for high school graduation.

**EFFECTIVE DATE:** Except as otherwise provided, HB 433 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 433  
PROPOSED COMMITTEE SUBSTITUTE H433-CSTC-8 [v.4]

04/01/2019 04:44:03 PM

Short Title: Economics & Financial Literacy Act.

(Public)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COMPLETION OF AN ECONOMICS AND PERSONAL FINANCE  
COURSE AS A HIGH SCHOOL GRADUATION REQUIREMENT IN PUBLIC  
SCHOOLS, TO CLARIFY REQUIREMENTS FOR HIGH SCHOOL CIVIC LITERACY,  
AND TO REQUIRE PROFESSIONAL DEVELOPMENT FOR ECONOMICS AND  
PERSONAL FINANCE TEACHERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as the "Economics and Financial Literacy  
Act."

**SECTION 2.(a)** G.S. 115C-81.65 reads as rewritten:

**"§ 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) The State Board of Education shall require during the high school years the teaching  
of a full credit course focused solely on Economics and Personal Finance (EPF). A passing grade  
in the course shall be required for graduation from high school. The content of the course shall,  
at a minimum, include the standards established by the second edition of the Voluntary National  
Content Standards in Economics and the 2013 National Standards for Financial Literacy, as  
developed by the Council for Economic Education. Each student shall receive personal financial  
literacy instruction that shall include: The EPF course shall provide instruction on economic  
principles and shall provide personal financial literacy instruction that shall include, at a  
minimum, the following:

- (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.
- (5a) Planning and paying for postsecondary education.
- (6) Other relevant financial literacy issues.

(c) The State Board of Education shall require that EPF teachers receive the professional  
development necessary to ensure that the intent and provisions of this section are carried out. To  
the extent funds are made available for this purpose, the State Board of Education shall require  
the employing entity to make available to EPF teachers and prospective EPF teachers the EPF



\* H 4 3 3 - C S T C - 8 \*

professional development course provided by the North Carolina Council on Economic Education (NCCEE). When practicable, teachers shall complete the EPF professional development course prior to teaching the EPF course in public schools. If necessary, teachers may begin teaching the EPF course in public schools while awaiting the next possible opportunity to complete a session of the EPF professional development course. To the extent possible, the EPF professional development course shall be taken at the NCCEE-approved location most conveniently located to the local school administrative unit."

**SECTION 2.(b)** The requirements of G.S. 115C-81.65(b), as enacted by this act, shall apply to all students entering the ninth grade in the 2020-2021 school year. The requirements of G.S. 115C-81.65(c), as enacted by this act, shall apply beginning July 1, 2019.

**SECTION 3.(a)** For the 2019-2020 fiscal year, there is appropriated from the General Fund to the nonprofit organization known as The North Carolina Council on Economic Education (NCCEE) the sum of one million sixty-three thousand eight hundred dollars (\$1,063,800) as grant-in-aid to provide for completion of the professional development course required in Section 2 of this act for teachers of the high school course in Economics and Personal Finance (EPF). The funds appropriated by this section shall be used to provide all of the following:

- (a) The EPF professional development course, including administration of the Test of Economic Literacy and the Working in Support of Education personal finance test, and the provision of a certificate of completion to qualified teachers.
- (b) A stipend in the amount of five hundred dollars (\$500.00), upon completion of the Test of Economic Literacy and the Working in Support of Education personal finance test, to either the public school teacher, if the teacher attends the course on weekends or during a time outside the teacher's school year, or, to the teacher's public school employer, if the teacher attends the course on school days during the teacher's school year.

**SECTION 3.(b)** By September 1, 2020, and by September 1 of the year following any fiscal year that NCCEE uses State funds thereafter, NCCEE, in consultation with the Department of Public Instruction, shall submit a report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the activities described by this section and the expenditure of State funds.

**SECTION 3.(c)** This section is effective July 1, 2019.

**SECTION 4.(a)** G.S. 115C-81.45 reads as rewritten:

**"§ 115C-81.45. Classes conducted in English; citizenship; and civic literacy.**

...  
(c) Democratic Process and Citizenship ~~Education~~ Education for Middle School Social Studies. –

- (1) ~~The State Board of Education shall include instruction in civic and citizenship education in the standard course of study for high school social studies. The State Board of Education is strongly encouraged to include, at a minimum, the following components in the high school civic and citizenship education standard course of study:~~
  - a. ~~That students write to a local, State, or federal elected official about an issue that is important to them.~~
  - b. ~~Instruction on the importance of voting and otherwise participating in the democratic process, including instruction on voter registration.~~
  - c. ~~Information about current events and governmental structure.~~
  - d. ~~Information about the democratic process and how laws are made.~~
- (2) The State Board of Education shall include instruction in civic and citizenship education in the standard course of study for middle school social studies. The

- 1 State Board of Education is strongly encouraged to include, at a minimum, the  
2 following components in the middle school civic and citizenship education  
3 standard course of study:
- 4 ~~a.~~(1) A tour of representative local government facilities, such as the local  
5 jail, the courthouse, or a town hall, to help students understand the way  
6 their community is governed.
- 7 ~~b.~~(2) Allowing students to choose and analyze a community problem and  
8 offer public policy recommendations on the problem to local officials.
- 9 ~~c.~~(3) Information about getting involved in community groups.
- 10 (d) Founding Principles of the United States of America and North Carolina: Civic  
11 Literacy. –
- 12 (1) The State Board of Education shall require instruction in civic and citizenship  
13 education in the standard course of study for high school social studies during  
14 the high school years ~~through~~ the teaching of a ~~semester-full credit course on~~  
15 that shall be called the Founding Principles of the United States of America  
16 and the State of North Carolina. ~~North Carolina: Civic Literacy.~~ A passing  
17 grade in the course shall be required for graduation from high school, ~~school,~~  
18 ~~and the~~
- 19 (1a) The course required by subdivision (1) of this subsection shall be solely  
20 focused on civics and citizenship education, and shall include at least the  
21 following subjects:
- 22 a. The Creator-endowed inalienable rights of the people.
- 23 b. Structure of government, separation of powers with checks and  
24 balances.
- 25 c. Frequent and free elections in a representative government.
- 26 d. Rule of law.
- 27 e. Equal justice under the law.
- 28 f. Private property rights.
- 29 g. Federalism.
- 30 h. Due process.
- 31 i. Individual rights as set forth in the Bill of Rights.
- 32 j. Individual responsibility.
- 33 k. Constitutional limitations on government power to tax and spend, and  
34 prompt payment of public debt.
- 35 l. Strong defense and supremacy of civil authority over military.
- 36 m. Peace, commerce, and honest friendship with all nations, entangling  
37 alliances with none.
- 38 (1b) The State Board of Education is strongly encouraged to include the following  
39 components in the course required by subdivision (1) of this subsection:
- 40 a. That students write to a local, State, or federal elected official about  
41 an issue that is important to them.
- 42 b. Instruction on the importance of voting and otherwise participating in  
43 the democratic process, including instruction on voter registration.
- 44 c. Information about current events and governmental structure.
- 45 d. Information about the democratic process and how laws are made.
- 46 (2) The State Board of Education shall require that any high school level  
47 curriculum-based tests for the course required in subdivision (1) of this  
48 subsection developed and administered statewide ~~beginning with the~~  
49 ~~2016-2017 academic year~~ include questions related to the philosophical  
50 foundations of our form of government and the principles underlying the

1 Declaration of Independence, the United States Constitution and its  
2 amendments, and the most important of the Federalist Papers.

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

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

12 **SECTION 4.(b)** The requirements of G.S. 115C-81.45(d), as amended by this act,  
13 shall apply to all students entering the ninth grade in the 2021-2022 school year.

14 **SECTION 5.(a)** G.S. 115C-218.85(a) is amended by adding a new subdivision to  
15 read:

16 "(5) A charter school shall provide financial literacy instruction as required by the  
17 State Board of Education pursuant to G.S. 115C-81.65, including required  
18 professional development for teachers of the EPF course."

19 **SECTION 5.(b)** G.S. 115C-238.66(1) is amended by adding a new sub-subdivision  
20 to read:

21 "e. The board of directors shall ensure that financial literacy instruction is  
22 provided as required by the State Board of Education pursuant to  
23 G.S. 115C-81.65, including required professional development for  
24 teachers of the EPF course."

25 **SECTION 5.(c)** G.S. 116-239.8(b)(2) is amended by adding a new sub-subdivision  
26 to read:

27 "d. The chancellor shall ensure that financial literacy instruction is  
28 provided as required by the State Board of Education pursuant to  
29 G.S. 115C-81.65, including required professional development for  
30 teachers of the EPF course."

31 **SECTION 5.(d)** Section 6(d) of S.L. 2018-32 is amended by adding a new  
32 subdivision to read:

33 "(4a) G.S. 115C-81.65, Financial literacy."

34 **SECTION 6.** The State Board of Education shall begin the process for review and  
35 revision of the standard course of study for social studies in grades kindergarten through 12 in  
36 the 2019-2020 school year, and shall revise the high school standard course of study in  
37 accordance with the requirements of this act for the EPF course and the Founding Principles of  
38 America and North Carolina: Civic Literacy course. The State Board shall review the high school  
39 standard course of study to determine the high school grade level during which the EPF course  
40 and the Founding Principles of America and North Carolina: Civic Literacy course may be  
41 completed. The State Board of Education shall not require more than 4 full course credits in  
42 social studies for high school graduation.

43 **SECTION 7.** Except as otherwise provided herein, this act is effective when it



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 433

Short Title: Economics & Financial Literacy Act. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable,  
Appropriations, if favorable, Rules, Calendar, and Operations of the House

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COMPLETION OF AN ECONOMICS AND PERSONAL FINANCE  
COURSE AS A HIGH SCHOOL GRADUATION REQUIREMENT IN ALL PUBLIC  
SCHOOLS AND TO REQUIRE PROFESSIONAL DEVELOPMENT FOR ECONOMICS  
AND PERSONAL FINANCE TEACHERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as the "Economics and Financial Literacy  
Act."

**SECTION 2.** G.S. 115C-81.65 reads as rewritten:

**"§ 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 of Education shall require that all students are taught a full course credit focused solely on Economics and Personal Finance (EPF) during the high school years. The content of the course shall align with the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education. A passing grade in the course shall be required for graduation from high school. The State Board shall also review the high school standard course of study to determine into which courses and grade levels personal financial literacy during which the EPF course may be completed and shall be integrated-reorganize other courses as appropriate.~~

(b) ~~Each student shall receive~~ The EPF course shall provide instruction on economic principles and shall provide personal financial literacy instruction that shall ~~include; include, but not be limited to, the following:~~

- (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.
- (5a) Planning and paying for postsecondary education.
- (6) Other relevant financial literacy issues."

**SECTION 3.** G.S. 115C-81.65, as amended by Section 2 of this act, is amended by adding a new subsection to read:



"(c) The Department of Public Instruction shall require that EPF teachers receive the professional development necessary to ensure that the intent and provisions of this section are carried out. To the extent funds are made available for this purpose, the State Board of Education shall require local school administrative units including the innovative school district and renewal school systems, charter schools, lab schools, and regional schools to make available to EPF teachers and prospective EPF teachers the EPF professional development course provided by the North Carolina Council on Economic Education (NCCEE). When practicable, teachers shall complete the EPF professional development course prior to teaching the EPF course in public schools. If necessary, teachers may begin teaching the EPF course in public schools while awaiting the next possible opportunity to complete a session of the EPF professional development course. To the extent possible, the EPF professional development course shall be taken at the NCCEE-approved location most conveniently located to the school of the public school teacher taking the course."

**SECTION 4.** For the 2019-2020 fiscal year, there is appropriated from the General Fund to the nonprofit organization known as The North Carolina Council on Economic Education (NCCEE) the sum of one million sixty-three thousand eight hundred dollars (\$1,063,800) as grant-in-aid to provide for completion of the professional development course required in Section 3 of this act for teachers of the high school course in Economics and Personal Finance (EPF). The funds appropriated by this section shall be used to provide (i) the EPF professional development course, including administration of the Test of Economic Literacy and the Working in Support of Education personal finance test, and the provision of a certificate of completion to qualified teachers and (ii) a stipend in the amount of five hundred dollars (\$500.00), upon completion of the Test of Economic Literacy and the Working in Support of Education personal finance test, to either the public school teacher, if the teacher attends the course on weekends or during a time outside the teacher's school year, or, to the teacher's public school employer, if the teacher attends the course on school days during the teacher's school year.

Of the funds appropriated to NCCEE by this section, any funds remaining at the end of the 2022-2023 fiscal year shall be used to provide professional development for public school EPF teachers. By September 1, 2020, and by September 1 of the year following any fiscal year that NCCEE uses State funds thereafter, NCCEE, in consultation with the State Board of Education, shall submit a report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the activities described by this section and the expenditure of State funds.

**SECTION 5.** G.S. 115C-81.45(d) reads as rewritten:

"(d) Civic Literacy. –

(1) The State Board of Education shall require during the high school years the teaching of ~~a semester course on the~~ Founding Principles of the United States of America and the State of North Carolina. ~~A passing grade in the course shall be required for graduation from high school, and the course shall~~ Carolina, to include at least the following subjects:

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

- 1 k. Constitutional limitations on government power to tax and spend, and  
2 prompt payment of public debt.  
3 l. Strong defense and supremacy of civil authority over military.  
4 m. Peace, commerce, and honest friendship with all nations, entangling  
5 alliances with none.
- 6 (2) The State Board of Education shall require that any high school level  
7 curriculum-based tests for the course content required in subdivision (1) of  
8 this subsection developed and administered statewide beginning with the  
9 2016-2017 academic year include questions related to the philosophical  
10 foundations of our form of government and the principles underlying the  
11 Declaration of Independence, the United States Constitution and its  
12 amendments, and the most important of the Federalist Papers.
- 13 (3) The Department of Public Instruction and the local boards of education, as  
14 appropriate, shall provide or cause to be provided curriculum content for the  
15 semester course subjects required in subdivision (1) of this subsection and  
16 professional development to ensure that the intent and provisions of this  
17 subsection are carried out. The curriculum content established shall include a  
18 review of the contributions made by Americans of all races.
- 19 (4) The Department of Public Instruction shall submit a biennial report by  
20 October 15 of each odd-numbered year to the Joint Legislative Education  
21 Oversight Committee covering the implementation of this subsection."
- 22 **SECTION 6.** G.S. 115C-218.85(a) is amended by adding a new subdivision to read:  
23 "(5) A charter school shall provide financial literacy instruction as required by the  
24 State Board of Education pursuant to G.S. 115C-81.65."
- 25 **SECTION 7.** G.S. 115C-238.66(1) is amended by adding a new sub-subdivision to  
26 read:  
27 "e. The board of directors shall ensure that financial literacy instruction is  
28 provided as required by the State Board of Education pursuant to  
29 G.S. 115C-81.65."
- 30 **SECTION 8.** G.S. 116-239.8(b)(2) is amended by adding a new sub-subdivision to  
31 read:  
32 "d. The chancellor shall ensure that financial literacy instruction is  
33 provided as required by the State Board of Education pursuant to  
34 G.S. 115C-81.65."
- 35 **SECTION 9.** Section 6(d) of S.L. 2018-32 is amended by adding a new subdivision  
36 to read:  
37 "(4a) G.S. 115C-81.65, Financial literacy."
- 38 **SECTION 10.** Sections 2, 5, 6, 7, 8, and 9 of this act are effective when they become  
39 law and apply beginning with the 2020-2021 school year. Sections 3 and 4 of this act are effective  
40 July 1, 2019. The remainder of this act is effective when it becomes law.



**House Committee on Education - K-12**  
**Tuesday, April 9, 2019 at 1:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 1:00 PM on April 9, 2019 in Room 643 of the Legislative Office Building. Representatives Jeffrey Elmore, Craig Horn, Hugh Blackwell, Cecil Brockman, Cynthia Ball, Chaz Beasley, Mark Brody, Kevin Corbin, Jean Farmer-Butterfield, Susan Fisher, John Fraley, James Gailliard, Rosa Gill, Charles Graham, Jon Hardister, Frank Iler, Marvin Lucas, Graig Meyer, Larry Potts, Dennis Riddell, Kandie Smith, Larry Strickland, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 1:05 PM and recognized the pages and introduced the Sergeant-At-Arms who would be assisting with the committee. Copies of the attendance and visitor registration are attached to these minutes. (Attachments 1-4)

The following bills were considered:

**HB 89, SEA-Tech CIHS/Funds.** (Primary Sponsor: Representative Davis), (Attachments 5-6)

Representative Horn recognized Representative Davis to explain the bill. The bill would appropriate \$8 million to expand the Southeast Area Technical High School in New Hanover County.

Representative Davis recognized 4 individuals from his county that attended the committee in support of the bill. They were: Lisa Estep, Chairman of New Hanover County Board of Education; Dr. Tim Markley, Superintendent of New Hanover County Schools; Dr. Eddie Skipper, SEA-Tech Principal; Bruce Shell, former New Hanover County Manager, present and former member of the New Hanover County Board of Education, and member of the Cape Fear Community College Board of Trustees. Lisa Estep and Bruce Shell were recognized to speak.

Representative Potts asked how many students do you serve, what is the overall cost of the project, and how much is your local county putting in. Representative Fraley asked if this would be better bounced against the bond proposal.

Representative Elmore was recognized for a motion to report the bill without prejudice with a referral to Appropriations, Education. Representative Horn asked for a vote and the motion passed.

**HB 199, Permanent Charter School Transportation Grant.** (Primary Sponsors: Representatives Hardister, Saine, Iler, and Brockman), (Attachments 7-8)

Representative Horn recognized Representative Hardister to explain the bill. The bill would create a permanent charter school transportation grant program that provides reimbursement to charter schools for transportation costs if at least half of that charter school's population qualifies for the



federal school lunch program. The bill also appropriates \$2,500,000 in recurring funds for this program.

Representative Meyer had a question in regards to equity and asked why are we choosing to bus poor kids to poor schools rather than busing poor kids to rich schools. Representative Meyer mentioned that this bill leaves in place re-segregation. Representative Fisher asked how many of these grants were given and to how many schools and approximately how many students were served by these grant dollars. Representative Fisher asked if the funds were exhausted. Representative Potts made a comment that we are crossing the line of charter schools being independent. Representative Potts made a comment on whether transportation was part of the original process. Representative Elmore commented that he noticed this is an expansion of the grant program as it currently is and asked about the idea behind the transportation personnel salaries. Representative Elmore made a comment about funding with grant money.

Representative Elmore was recognized for a motion to receive a favorable report for HB 199 with a referral to Appropriations, Education. Representative Horn asked for a vote and the motion passed.

**HB 552, After-School Robotics Grants/Athletics.** (Primary Sponsors: Representatives Hardister, Saine, Horn, and Beasley), (Attachments 9-10)

Representative Horn announced there was a PCS for **HB 552, After-School Robotics Grants/Athletics.** (Attachment 11) There was no objection to the PCS. Representative Horn recognized Representative Hardister to explain the bill. The bill would establish an educational and competitive after-school robotics grant program, require the State Board of Education to adopt rules for competitive robotics as an interscholastic athletic activity, and permit excused absences for competitive robotics. The PCS would make technical changes.

Representative Brody asked what a robotics partner was and how schools would have access to a robotics partner if there wasn't a company in or near their district. Representative Blackwell asked about the school systems that already have robotics programs, their access to these grants, and their status of already having these programs not affecting their eligibility to receive these grants. Representative Blackwell also asked about the definition of the robotics partner and the access to these partners. Representative Graham expressed his concerns with the amount of rural competitors in robotics competitions and the difference between the have and have nots. Representative Meyer expressed his concern about whether this bill would protect one provider over all other providers. Representative Meyer asked if Page 1 Line 16, where it mentioned a nonprofit organization, would exclude a for profit organization from participating as a robotics partner. Representative Brody made a comment pertaining to cutting restrictions down. Representative Horn commented about the impact robotics has on all age groups, ethnic barriers, and socio-economic barriers and opens the door to competency-based education. Representative Blackwell commented that this bill had application to the special education area.

Representative Horn recognized a speaker from the public, Renee Miller, Coach of the Tundra Bots, to speak on the bill.





Representative Hardister was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Appropriations, Education. Representative Horn asked for a vote and the motion passed.

**HB 571, Changes to Advanced Teaching Roles Program.** (Primary Sponsors: Representatives Horn and Clemmons), (Attachments 12-13)

Representative Elmore announced there was a PCS for **HB 571, Changes to Advanced Teaching Roles Program.** (Attachment 14) There was no objection to the PCS. Representative Elmore stated there was an amendment by Representative Horn, H571-ABE-15 [v.3], (Attachment 15) and recognized Representative Horn to explain the amendment. Representative Horn stated the amendment was technical. Representative Elmore asked for questions to the amendment and hearing none, asked for a vote, the amendment passes. Representative Elmore recognized Representative Horn to explain the bill. The bill would codify and make modifications to the Teacher Compensation Models and Advanced Teaching Roles Pilot Program. The PCS would remove the requirement that advanced teaching roles qualifications include peer recommendation letters from teachers who teach in the same grade or subject area and would clarify that class size flexibility only applies to schools implementing the advanced teaching roles.

Representative Fisher mentioned the number of LEAs goes from 10 to 15 and LEAs participating in the existing program would be guaranteed approval, so how many new LEAS could be brought into this. Representative Fisher hopes there will be a geographic distribution of this pilot around the state. Representative Blackwell commented on the bill summary that said the PCS will remove the requirement that advanced teaching roles qualifications include peer recommendation letters from teachers who teach in the same grade or subject area and asked what the thinking was behind putting that requirement in when you started it and why are we now taking that out.

Representative Corbin was recognized for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and unfavorable report to the original bill with a referral to Appropriations, Education. Representative Elmore asked for a vote and the motion passed.

**HB 96, Revise Geo. Isolated Schs. Formula/Currituck.** (Primary Sponsors: Representatives Hanig and Corbin), (Attachments 16-17)

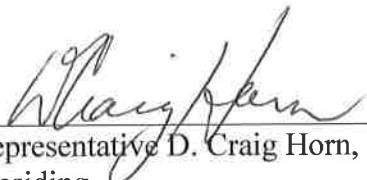
Representative Horn announced there was a PCS for **HB 96, Revise Geo. Isolated Schs. Formula/Currituck.** (Attachment 18) There was no objection to the PCS. Representative Horn recognized Representative Hanig to explain the bill. The bill would revise the geographically isolated schools formula regarding the allocation of teachers for Currituck County. The PCS would make technical changes and clarifies that the new criterion for geographic isolation applies to schools that contain grades kindergarten through 5 and are only accessible to the majority of the local school administrative unit by ferry.

Representative Iler asked if this was a public bill and not a local bill. Representative Corbin commented that he was on the bill and said they did the same for Macon County.



Representative Hardister was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Appropriations, Education. Representative Horn asked for a vote and the motion passed.

The meeting adjourned at 2:07 PM.

  
Representative D. Craig Horn, Chair  
Presiding

  
Erin Wilson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms and Pages
4. Visitor Registration
5. HB 89 Summary
6. HB 89 Edition 1
7. HB 199 Summary
8. HB 199 Edition 1
9. HB 552 Summary
10. HB 552 Edition 1
11. PCS H552-CSBN-8 [v.3]
12. HB 571 Summary
13. HB 571 Edition 1
14. PCS H571-CSBE-13 [v.2]
15. Amendment H571-ABE-15 [v.3]
16. HB 96 Summary
17. HB 96 Edition 1
18. PCS H96-CSBN-9 [v.1]



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, April 9, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn will preside.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 89</u>	SEA-Tech CIHS/Funds.	Representative Davis
<u>HB 96</u>	Revise Geo. Isolated Schs. Formula/Currituck.	Representative Hanig Representative Corbin
<u>HB 199</u>	Permanent Charter School Transportation Grant.	Representative Hardister Representative Saine Representative Iler Representative Brockman
<u>HB 230</u>	Life Changing Experiences Sch. Pilot Program.	Representative Dobson Representative Murphy Representative Saine
<u>HB 552</u>	After-School Robotics Grants/Athletics.	Representative Hardister Representative Saine Representative Horn Representative Beasley
<u>HB 571</u>	Changes to Advanced Teaching Roles Program.	Representative Horn Representative Clemmons



Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:43 PM on Friday, April 05, 2019.

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

Erin Wilson (Committee Assistant)





**Updated #1: Remove HB230**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, April 9, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn will preside.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 89</u>	SEA-Tech CIHS/Funds.	Representative Davis
<u>HB 96</u>	Revise Geo. Isolated Schs. Formula/Currituck.	Representative Hanig Representative Corbin
<u>HB 199</u>	Permanent Charter School Transportation Grant.	Representative Hardister Representative Saine Representative Iler Representative Brockman
<u>HB 552</u>	After-School Robotics Grants/Athletics.	Representative Hardister Representative Saine Representative Horn Representative Beasley
<u>HB 571</u>	Changes to Advanced Teaching Roles Program.	Representative Horn Representative Clemmons



Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:04 PM on Monday, April 08, 2019.

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

Erin Wilson (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 199**

Permanent Charter School Transportation Grant.

Draft Number: None

**Serial Referral: APPROPRIATIONS, EDUCATION**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Hardister

**REPORTED WITHOUT PREJUDICE AND RE-REFERRED**

**HB 89**

SEA-Tech CIHS/Funds.

Draft Number: None

**Serial Referral: APPROPRIATIONS, EDUCATION**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Davis

**TOTAL REPORTED: 2**



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



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB 96	Revise Geo. Isolated Schs. Formula/Currituck. Draft Number: H96-PCS10392-BN-9 <b>Serial Referral:</b> <b>APPROPRIATIONS, EDUCATION</b> Recommended Referral: None Long Title Amended: No Floor Manager: Hanig
HB 552	After-School Robotics Grants/Athletics. Draft Number: H552-PCS40317-BN-8 <b>Serial Referral:</b> <b>APPROPRIATIONS, EDUCATION</b> Recommended Referral: None Long Title Amended: No Floor Manager: Hardister
HB 571	Changes to Advanced Teaching Roles Program. Draft Number: H571-PCS10391-BEa-14 <b>Serial Referral:</b> <b>APPROPRIATIONS, EDUCATION</b> Recommended Referral: None Long Title Amended: No Floor Manager: Horn

TOTAL REPORTED: 3







**House Committee on Education - K-12**  
**Tuesday, April 9, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**  
Representative Horn, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 89	SEA-Tech CIHS/Funds.	Representative Davis
HB 96	Revise Geo. Isolated Schs. Formula/Currituck.	Representative Hanig Representative Corbin
HB 199	Permanent Charter School Transportation Grant.	Representative Hardister Representative Saine Representative Iler Representative Brockman
HB 552	After-School Robotics Grants/Athletics.	Representative Hardister Representative Saine Representative Horn Representative Beasley
HB 571	Changes to Advanced Teaching Roles Program.	Representative Horn Representative Clemmons



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES																			
	4/9																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	-																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	-																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	-																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		
Rep. Larry Potts	✓																		



DATES																	
	4/9																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Rena Turner	-																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	



Committee Sergeants at Arms

**NAME OF COMMITTEE** House Committee on Education - K - 12

**DATE:** April 09, 2019 **Room:** 643 LOB

House Sgt-At Arms:

1. **Name:** Kim Blackman
2. **Name:** Jonas Cherry
3. **Name:** Rey Cooke
4. **Name:** Dean Marshbourne
5. **Name:**

Senate Sgt-At Arms:

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





**House Pages**  
**Assignments**  
**Tuesday, April 09, 2019**  
**Session: 4:45 PM**

Committee	Room	Time	Staff	Comments	Member
Education - K-12	643	1:00 PM	Fabian Horton		Rep. Elmer Floyd
			Chloe Schubert		Rep. Bobby Hanig
			Natalie Stone		Rep. Lisa Stone Barnes
Environment	1228/1327	1:00 PM	Erin Bembridge		Rep. Bobby Hanig
			Dalton Snipes		Rep. John A. Torbett



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

4/09/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tiffany Gladney	NC Rural Center
Martez Hill	AA Smith
Zane Stowell	TSB
Mary Forman	NCAE
Richard Bostic	NC SBA
Bryan D. Helling	Helling Group Inc
Adam Podemore	NCTE
John Milder	NCSBA
Katherine Joyce	NCASA
Elizabeth Yelverton	NCASA
Skye David	newfame



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

4/09/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ashley Kazouh	Public School Forum of NC
Chadler	SBE
FREEBIRD McKINNEY	NC TOY
Billy Perkins	Perkins Law
Marcus Brandon	
Tom Tomberlin	NC DPI
Beth Corbin	Rep. Corbin wife



# VISITOR REGISTRATION SHEET


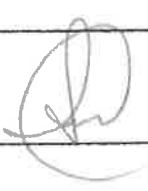
House Committee on Education K-12

4/09/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	
DAVID MILLS	SELF
April Neumann	mwc
Renée Miller	FIRST-NC, NC FTC-FLL Robotics
Bruce Shell	NEW HANOVER Schools <sup>CAPE FEAR</sup> Com Col.
Lisa Estep	New Hanover City Schools
Edith Skipper	NHCS - SEA-Tech
Tim Markley	NHCS - Wilmington, NC
Flint Benson	SEANC
Besha Fortson	SEANC





## VISITOR REGISTRATION SHEET

House Committee on Education K-12

4/09/2019

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Amy Fulk

30 PR

Lean Sutton

Best NC

Lee T. Myer

TAG

Tom West

NCTU





## HOUSE BILL 89: SEA-Tech CIHS/Funds.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 9, 2019
<b>Introduced by:</b>	Rep. Davis	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

---

**OVERVIEW:** *House Bill 89 would appropriate \$8 million to expand the Southeast Area Technical High School in New Hanover County.*

**BILL ANALYSIS:** House Bill 89 would appropriate \$8 million for the 2019-2020 fiscal year to be allocated to New Hanover County Schools to build a facility to support the expansion of the Southeast Area Technical High School's curriculum in partnership with Cape Fear Community College.

**EFFECTIVE DATE:** House Bill 89 would be effective July 1, 2019.

Karen Cochrane-Brown  
Director



H 89 - S M B E - 2 1 E 1 - V - 1

Legislative Analysis  
Division  
919-733-2578

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



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 89**

Short Title: SEA-Tech CIHS/Funds.

(Public)

Sponsors: Representative Davis.

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable,  
Appropriations, if favorable, Rules, Calendar, and Operations of the House

February 19, 2019

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO EXPAND THE SOUTHEAST AREA TECHNICAL  
HIGH SCHOOL IN NEW HANOVER COUNTY.

Whereas, in the fall of 2017, New Hanover County Schools opened Southeast Area  
Technical High School (SEA-Tech), as a choice-based cooperative innovative high school  
available to students in the Wilmington Metro region of North Carolina; and

Whereas, in partnership with Cape Fear Community College (CFCC), SEA-Tech  
utilizes the cooperative innovative high school model to provide an early college experience to  
empower students to be college- and career-ready with options to enter the workforce at an  
advanced level or continue into a postsecondary training institution. Students at the school can  
earn a traditional high school diploma while having no-cost access to career-based credentials  
and certifications offered by CFCC; and

Whereas, the future master plan for the facility includes spaces to further support  
many programs on-site, including:

- (1) A culinary arts classroom to allow students to apprentice from a trained chef.
- (2) A carpentry shop to allow students to develop hands-on skills for a career in residential construction.
- (3) A makerspace to allow students to develop other hands-on skills such as 3D printing, soldering, and sewing.
- (4) Public safety spaces to afford students the environment to learn emergency management training skills from trained emergency professionals.
- (5) Computer labs to train students in health-science medical coding, hospitality and tourism, and sports management.
- (6) A coffee bar to allow students to develop skills in entrepreneurship, by fostering planning and financial management, and implementing both production- and service-oriented skills.
- (7) A career center with on-site counselors to help guide students with their path to real-world employment; and

Whereas, in addition to offering on-site academies for their curriculum, the on-site  
spaces are designed to further foster career development. Operable walls and mobile furniture  
will allow maximum flexibility. Interactive state-of-the-art flat panel display screens will bring  
technology to the forefront of learning in each core class; and



1           Whereas, in the fall of 2019, SEA-Tech will be relocating from the North Campus of  
2 CFCC to a New Hanover County Schools–owned location that is currently being used as a  
3 temporary elementary school one-half mile from the campus; and

4           Whereas, funding is needed to help SEA-Tech continue to grow to serve the  
5 employment needs of the surrounding region; Now, therefore,  
6 The General Assembly of North Carolina enacts:

7           **SECTION 1.** There is appropriated from the General Fund to the Department of  
8 Public Instruction the sum of eight million dollars (\$8,000,000) for the 2019-2020 fiscal year to  
9 be allocated to New Hanover County Schools to build a facility to support the expansion of the  
10 Southeast Area Technical High School's innovative curriculum in partnership with Cape Fear  
11 Community College, which will support the growth and development of the Cape Fear region.

12           **SECTION 2.** This act becomes effective July 1, 2019.



# HOUSE BILL 199: Permanent Charter School Transportation Grant.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 9, 2019
<b>Introduced by:</b>	Reps. Hardister, Saine, Iler, Brockman	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** *HB 199 would create a permanent charter school transportation grant program that provides reimbursement to charter schools for transportation costs if at least half of that charter school's population qualifies for the federal school lunch program. HB 199 also appropriates \$2,500,000 in recurring funds for this program.*

**BACKGROUND:** The 2017 budget (S.L. 2017-57, Sec. 7.35), established a charter school transportation grant pilot program (pilot). The pilot awarded funds to qualifying charter schools to reimburse 65% of the eligible student transportation costs incurred by the school each semester, up to \$100,000. Eligible student transportation costs are costs incurred by the charter school for (i) transportation fuel, (ii) vehicle maintenance, and (iii) contracted transportation services. To qualify, a charter school had to have a student enrollment of at least fifty percent (50%) of its students residing in households with an income level not in excess of the amount required for a student to qualify for the federal free or reduced price lunch program in a semester of the school year. The Department of Public Instruction was required to report by March 15, 2018 on the pilot program outcomes, including (i) the number of charter schools that received grant funds, (ii) the amount of grant funds awarded, (iii) whether implementing the Program led to an increase in charter schools offering lunch, (iv) whether implementing the Program led to an increase in student lunch participation at charter schools offering lunch, (v) whether implementing the Program increased or expanded the offering of student transportation by charter schools, and (vi) the modes of student transportation offered by charter schools that received grant funds. A follow up was required by S.L. 2018-5, Sec. 7.19, to be submitted by December 1, 2018. The initial report can be found [here](#), and the follow-up report can be found [here](#). The report found the following:

"A majority of schools not already providing lunch to all students reported that lunch provision and participation increased after receiving the Charter School Transportation Grant. Additionally, transportation offerings were expanded at 85% of charter schools that received reimbursement who did not already provide transportation to all students. The primary mode of transportation provided by charter schools was self-operated bus transportation.

Without a more detailed analysis, we are unable to definitively state that the grant led to an increase in lunch provision and participation for lower-income populations in eligible charter schools. The results displayed here indicate self-reported results from grant recipient schools. This data provides some evidence of the grant's effect, but a causal link cannot be established without an in-depth statistical report."

**BILL ANALYSIS:** HB 199 would create a permanent charter school transportation grant program (program) to award grant funds to qualifying charter schools to reimburse up to sixty five percent (65%) of the eligible student transportation costs, with a limit of \$100,000 per grant. Eligible student

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 Bill 199

Page 2

transportation costs would be costs incurred by the charter school for (i) transportation fuel, (ii) vehicle maintenance, (iii) contracted transportation services, and (iv) transportation personnel salaries. A charter school would be eligible for the grants if the school's student enrollment in the semester was at least 50% either:

1. Residing in households with an income level not in excess of the amount required for a student to qualify for the federal free or reduced price lunch program, or
2. Qualifying as "identified students" under the Community Eligibility Provision of the Healthy, Hunger Free Kids Act of 2010.

The Department of Public Instruction (DPI) would establish criteria and guidelines for the grant applications by August 1 annually. Applications would be accepted by DPI until December 31 for costs incurred during the fall semester and until May 15 for costs incurred during the spring semester. From funds available for the program, DPI would award grants for the fall semester by February 15, and grants for the spring semester by June 15.

DPI would report annually by March 15 of each year in which funds are awarded to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee, and the Joint Legislative Education Oversight Committee on the administration of the Program, including (i) the number of charter schools that received grant funds, (ii) the amount of grant funds awarded to those charter schools, (iii) whether implementing the Program has led to an increase in charter schools offering lunch, (iv) whether implementing the Program has led to an increase in student lunch participation at charter schools offering lunch, (v) whether implementing the Program has increased or expanded the offering of student transportation by charter schools, and (vi) the modes of student transportation offered by charter schools that received grant funds.

HB 199 would appropriate \$2,500,000 in recurring funds, beginning with the 2019-2020 fiscal year, to DPI to operate the charter school transportation grant program.

**EFFECTIVE DATE:** HB 199 would become effective July 1, 2019, and would apply beginning with the 2019-2020 school year.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 199

Short Title: Permanent Charter School Transportation Grant. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable,  
Appropriations, if favorable, Rules, Calendar, and Operations of the House

February 27, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A PERMANENT CHARTER SCHOOL TRANSPORTATION  
3 GRANT PROGRAM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 14A of Chapter 115C of the General Statutes is amended by  
6 inserting a new section to read:

7 "**§ 115C-218.41. Charter school transportation grant program.**

8 (a) Purpose; Definition. – There is established the Charter School Transportation Grant  
9 Program (Program). The purpose of the Program shall be to award grant funds to a charter school  
10 meeting the requirements of subsection (b) of this section for the reimbursement of up to  
11 sixty-five percent (65%) of the eligible student transportation costs incurred by the school in  
12 accordance with the provisions of this section. For purposes of this section, the term "eligible  
13 student transportation costs" means costs incurred by the charter school for (i) transportation fuel,  
14 (ii) vehicle maintenance, (iii) contracted transportation services, and (iv) transportation personnel  
15 salaries.

16 (b) Program Eligibility. – If a charter school has a student enrollment in a semester of the  
17 school year of at least fifty percent (50%) of its students either (i) residing in households with an  
18 income level not in excess of the amount required for a student to qualify for the federal free or  
19 reduced-price lunch program or (ii) qualifying as "identified students" under the Community  
20 Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, the charter school may apply  
21 to the Department for grant funds under the Program for reimbursement of up to sixty-five  
22 percent (65%) of the eligible student transportation costs incurred by the school for that semester.

23 (c) Applications. – By August 1 of the fall semester, the Department shall establish the  
24 criteria and guidelines for the grant application process for the upcoming school year, including  
25 any documentation required to be submitted with the application. Each school year, the  
26 Department shall accept applications until December 31 for eligible student transportation costs  
27 incurred during the fall semester of the school year and until May 15 for eligible student  
28 transportation costs incurred during the spring semester of the school year.

29 (d) Award of Funds. – From funds made available for the Program, the Department shall  
30 award grant funds to the selected charter schools by February 15 for eligible student  
31 transportation costs incurred during the fall semester of the same school year and by June 15 for  
32 eligible student transportation costs incurred during the spring semester of the prior school year.  
33 The total amount of each grant awarded under the Program shall not exceed one hundred  
34 thousand dollars (\$100,000).



1       (e)     Reporting. – The Department shall provide a report by March 15 of each year in which  
2     funds are awarded to the Fiscal Research Division, the Joint Legislative Transportation Oversight  
3     Committee, and the Joint Legislative Education Oversight Committee on the administration of  
4     the Program, including (i) the number of charter schools that received grant funds, (ii) the amount  
5     of grant funds awarded to those charter schools, (iii) whether implementing the Program has led  
6     to an increase in charter schools offering lunch, (iv) whether implementing the Program has led  
7     to an increase in student lunch participation at charter schools offering lunch, (v) whether  
8     implementing the Program has increased or expanded the offering of student transportation by  
9     charter schools, and (vi) the modes of student transportation offered by charter schools that  
10    received grant funds."

11       **SECTION 2.** There is appropriated from the General Fund to the Department of  
12     Public Instruction the sum of two million five hundred thousand dollars (\$2,500,000) in recurring  
13     funds for the 2019-2020 fiscal year to operate the charter school transportation grant program  
14     established pursuant to this act.

15       **SECTION 3.** This act becomes effective July 1, 2019, and applies beginning with  
16     the 2019-2020 school year.



# HOUSE BILL 552: After-School Robotics Grants/Athletics.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 9, 2019
<b>Introduced by:</b>	Reps. Hardister, Saine, Horn, Beasley	<b>Prepared by:</b>	Samantha Yarborough Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H552-CSBN-8		

**OVERVIEW:** *House Bill 552 would establish an educational and competitive after-school robotics grant program, require the State Board of Education to adopt rules for competitive robotics as an interscholastic athletic activity, and permit excused absences for competitive robotics.*

*The PCS would make technical changes.*

## CURRENT LAW and BILL ANALYSIS:

### Section 1

Section 1 of House Bill 552 would create an educational and competitive after-school robotics grant program administered by the Department of Public Instruction (DPI). Any public school unit would be eligible to apply for a grant to develop an educational and competitive after-school robotics program with a robotics partner.

- Public school unit would include: a local school administrative unit, charter school, regional school, innovative school, or laboratory school.
- Robotics partner would include: a third-party entity approved by DPI that is able to provide support of an after-school robotics program. To be able to provide adequate support, a robotics partner must meet at least the following criteria: (i) have a national presence in robotics education and competition; (ii) provide adequate instruction and programming for students and adult volunteers in robotics education, project-based learning, and competitive robotics; and (iii) promote a safe and equitable social environment.

DPI would be required to develop and publish criteria and guidelines for applications. Applications would be accepted through September 30 of each school year, and would have to include, at a minimum, the following information: (i) evidence that the applicant has or will be able to establish a relationship with a robotics partner, and (ii) a proposed budget for the educational and competitive after-school robotics program.

DPI would be required to award grants by October 31 of each year for any of the following purposes: (i) establishing a relationship with a robotics partner, (ii) purchasing robotics kits, (iii) providing stipends for coaches, (iv) making payments associated with participation in a robotics league or robotics competition, and (v) paying fees incurred as part of the administration of a robotics team.

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 552

Page 2

DPI would have to report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division by July 15, 2020, and annually thereafter, the following information: (i) the number and amounts of grants awarded, (ii) identities of the public school units receiving grants, (iii) identities of public school units that applied for grants but did not receive one, and (iv) the extent to which students participating in after-school robotics programs funded by the grants experienced measurable improvement in academic performance.

Section 1 would appropriate to DPI \$1,670,000 in recurring funds for the 2019-2020 fiscal year to implement the grant program, beginning in the 2019-2020 school year.

## Section 2

G.S. 115C-12(23) requires the State Board of Education to adopt rules governing interscholastic athletic activities conducted by local boards of education, including eligibility for student participation.

Part 1 of Article 26 of Chapter 115C of the General Statutes governs compulsory attendance. G.S. 115C-379 requires the State Board of Education to adopt rules that are necessary to enforce the compulsory attendance provisions of Part 1 of Article 26.

Section 2 of House Bill 552 would require the State Board of Education to adopt rules that include competitive robotics as an interscholastic athletic activity. Section 2 would also require the State Board of Education to formulate rules about absences that require school principals to authorize excused absences for whenever a student is unable to attend class because of a school-sponsored robotics competition.

**EFFECTIVE DATE:** Section 1 of this act would become effective July 1, 2019. Section 2 of this act is effective when it becomes law and apply beginning with the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 552

Short Title: After-School Robotics Grants/Athletics. (Public)

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

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Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable, Rules,  
Calendar, and Operations of the House

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April 3, 2019

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH AN EDUCATIONAL AND COMPETITIVE AFTER-SCHOOL  
ROBOTICS GRANT PROGRAM, TO REQUIRE THE STATE BOARD OF EDUCATION  
TO ADOPT RULES FOR COMPETITIVE ROBOTICS, AND TO PERMIT EXCUSED  
ABSENCES FOR COMPETITIVE ROBOTICS.

The General Assembly of North Carolina enacts:

**PART I. EDUCATIONAL AND COMPETITIVE AFTER-SCHOOL ROBOTICS  
GRANT PROGRAM**

**SECTION 1.(a)** Part 2B of Article 8 of Chapter 115C of the General Statutes is  
amended by adding a new section to read:

**"§ 115C-102.9. Educational and competitive after-school robotics grant program.**

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

(1) Public school unit. – A local school administrative unit, charter school,  
regional school, innovative school, or laboratory school.

(2) Robotics partner. – A third-party entity, such as a nonprofit organization or  
institution of higher education, approved by the Department of Public  
Instruction, that is able to provide adequate support for an after-school  
robotics program. In order to provide adequate support, a robotics partner  
must meet at least all of the following criteria:

a. Have a national presence in robotics education and competition.

b. Provide adequate instruction and programming for students and adult  
volunteers in (i) robotics education, (ii) project-based learning, and  
(iii) competitive robotics.

c. Promote a safe and equitable social environment.

(b) Program; Purpose. – There is established the Educational and Competitive  
After-School Robotics Grant Program (Program). The purpose of the Program shall be to (i)  
promote evidence-based, after-school programs for robotics education and competition and (ii)  
motivate students to pursue education and career opportunities in science, technology,  
engineering, and mathematics while building critical life and work-related skills.

(c) Eligibility. – Any public school unit is eligible to apply to the Department of Public  
Instruction for a grant to develop an educational and competitive after-school robotics program  
with a robotics partner.



(d) Applications; Criteria and Guidelines. – No later than August 1 of each year that funds are made available, the Department shall develop and publish criteria and guidelines for the application process for the Program in the upcoming school year, including any documentation required to be submitted by the applicants. The Department shall accept applications until September 30 of each school year. Applications shall include, at a minimum, the following information:

- (1) Evidence that the applicant has or will be able to establish a relationship with a robotics partner.
- (2) A proposed budget for the educational and competitive after-school robotics program.

(e) Award and Use of Funds. – From funds made available for the Program, the Department shall award grants to the selected applicants by October 31 of each school year. Funds may be used for any of the following purposes:

- (1) Establish a relationship with a robotics partner.
- (2) Purchase robotics kits.
- (3) Provide stipends for coaches.
- (4) Make payments associated with participation in a robotics league or robotics competition.
- (5) Pay fees incurred as part of the administration of a robotics team.

(f) Reporting. – No later than July 15, 2020, and annually thereafter, the Department shall report the following information from the prior school year to the Joint Legislative Education Oversight Committee and the Fiscal Research Division:

- (1) Number and amounts of grants awarded.
- (2) Identities of the public school units receiving grants.
- (3) Identities of public school units that applied for grants but did not receive one.
- (4) The extent to which students participating in after-school robotics programs funded by the Program experienced measurable improvement in academic performance, if any."

**SECTION 1.(b)** There is appropriated from the General Fund to the Department of Public Instruction the sum of one million six hundred seventy thousand dollars (\$1,670,000) in recurring funds for the 2019-2020 fiscal year to implement the Educational and Competitive After-School Robotics Grant Program described in this section, beginning in the 2019-2020 school year.

## **PART II. TREAT COMPETITIVE ROBOTICS AS AN INTERSCHOLASTIC ATHLETIC ACTIVITY**

**SECTION 2.(a)** G.S. 115C-12(23) reads as rewritten:

### **"§ 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 all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:

...

- (23) **Power to Adopt Eligibility Rules for Interscholastic Athletic Competition.** – The State Board of Education shall adopt rules governing interscholastic athletic activities conducted by local boards of education, including eligibility for student participation. Those rules shall include competitive robotics as an

interscholastic athletic activity. With regard to middle schools and high schools, the rules shall provide for the following:

...

The State Board of Education may authorize a designated organization to apply and enforce the Board's rules governing participation in interscholastic athletic activities at the high school level."

**SECTION 2.(b)** G.S. 115C-379 reads as rewritten:

**"§ 115C-379. Method of enforcement.**

(a) It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational opportunity such as service as a legislative page or a Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State.

(b) The rules shall require school principals to authorize excused absences as follows:

(1) ~~a-~~A minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's ~~parents-parent,~~ guardian, or legal custodian.

(2) Whenever a student is unable to attend class because of a school-sponsored robotics competition.

The rules may require that the student's ~~parents give-parent, guardian, or custodian gives~~ the principal written notice of the request for an excused absence a reasonable time prior to the ~~religious observance event.~~ The student shall be given the opportunity to make up any tests or other work missed due to an excused absence ~~for a religious observance approved in accordance with this section.~~

(c) It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any local school administrative unit that has a higher compulsory attendance feature than that provided herein."

**PART III. EFFECTIVE DATE**

**SECTION 3.** Section 1 of this act becomes effective July 1, 2019. Section 2 of this act is effective when it becomes law and applies beginning with the 2019-2020 school year. Except as otherwise provided, this act is effective when it becomes law.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 552  
PROPOSED COMMITTEE SUBSTITUTE H552-CSBN-8 [v.3]

04/08/2019 05:31:13 PM

Short Title: After-School Robotics Grants/Athletics.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH AN EDUCATIONAL AND COMPETITIVE AFTER-SCHOOL  
ROBOTICS GRANT PROGRAM, TO REQUIRE THE STATE BOARD OF EDUCATION  
TO ADOPT RULES FOR COMPETITIVE ROBOTICS, AND TO PERMIT EXCUSED  
ABSENCES FOR COMPETITIVE ROBOTICS.

The General Assembly of North Carolina enacts:

**PART I. EDUCATIONAL AND COMPETITIVE AFTER-SCHOOL ROBOTICS  
GRANT PROGRAM**

**SECTION 1.(a)** Part 2B of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-102.9. Educational and competitive after-school robotics grant program.**

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

(1) Public school unit. – A local school administrative unit, charter school, regional school, innovative school, or laboratory school.

(2) Robotics partner. – A third-party entity, such as a nonprofit organization or institution of higher education, approved by the Department of Public Instruction, that is able to provide adequate support for an after-school robotics program. In order to provide adequate support, a robotics partner must meet at least all of the following criteria:

a. Have a national presence in robotics education and competition.

b. Provide adequate instruction and programming for students and adult volunteers in (i) robotics education, (ii) project-based learning, and (iii) competitive robotics.

c. Promote a safe and equitable social environment.

(b) Program; Purpose. – There is established the Educational and Competitive After-School Robotics Grant Program (Program). The purpose of the Program shall be to (i) promote evidence-based, after-school programs for robotics education and competition and (ii) motivate students to pursue education and career opportunities in science, technology, engineering, and mathematics while building critical life and work-related skills.

(c) Eligibility. – Any public school unit is eligible to apply to the Department of Public Instruction for a grant to develop an educational and competitive after-school robotics program with a robotics partner.

(d) Applications; Criteria and Guidelines. – No later than August 1 of each year that funds are made available, the Department shall develop and publish criteria and guidelines for the application process for the Program in the upcoming school year, including any documentation



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required to be submitted by the applicants. The Department shall accept applications until September 30 of each school year. Applications shall include, at a minimum, the following information:

(1) Evidence that the applicant has or will be able to establish a relationship with a robotics partner.

(2) A proposed budget for the educational and competitive after-school robotics program.

(e) Award and Use of Funds. – From funds made available for the Program, the Department shall award grants to the selected applicants by October 31 of each school year. Funds may be used for any of the following purposes:

(1) Establishing a relationship with a robotics partner.

(2) Purchasing robotics kits.

(3) Providing stipends for coaches.

(4) Making payments associated with participation in a robotics league or robotics competition.

(5) Paying fees incurred as part of the administration of a robotics team.

(f) Reporting. – No later than July 15, 2020, and annually thereafter, the Department shall report the following information from the prior school year to the Joint Legislative Education Oversight Committee and the Fiscal Research Division:

(1) Number and amounts of grants awarded.

(2) Identities of the public school units receiving grants.

(3) Identities of public school units that applied for grants but did not receive one.

(4) The extent to which students participating in after-school robotics programs funded by the Program experienced measurable improvement in academic performance, if any."

**SECTION 1.(b)** There is appropriated from the General Fund to the Department of Public Instruction the sum of one million six hundred seventy thousand dollars (\$1,670,000) in recurring funds for the 2019-2020 fiscal year to implement the Educational and Competitive After-School Robotics Grant Program described in this section, beginning in the 2019-2020 school year.

## **PART II. TREAT COMPETITIVE ROBOTICS AS AN INTERSCHOLASTIC ATHLETIC ACTIVITY**

**SECTION 2.(a)** G.S. 115C-12(23) reads as rewritten:

"(23) Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. – The State Board of Education shall adopt rules governing interscholastic athletic activities conducted by local boards of education, including eligibility for student participation. Those rules shall include competitive robotics as an interscholastic athletic activity. With regard to middle schools and high schools, the rules shall provide for the following:

- a. All coaches, school nurses, athletic directors, first responders, volunteers, students who participate in interscholastic athletic activities, and the parents of those students shall receive, on an annual basis, a concussion and head injury information sheet. School employees, first responders, volunteers, and students must sign the sheet and return it to the coach before they can participate in interscholastic athletic activities, including tryouts, practices, or competition. Parents must sign the sheet and return it to the coach before their children can participate in any such interscholastic athletic activities. The signed sheets shall be maintained in accordance with sub-subdivision d. of this subdivision.

For the purpose of this subdivision, a concussion is a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in loss of consciousness.

- b. If a student participating in an interscholastic athletic activity exhibits signs or symptoms consistent with concussion, the student shall be removed from the activity at that time and shall not be allowed to return to play or practice that day. The student shall not return to play or practice on a subsequent day until the student is evaluated by and receives written clearance for such participation from (i) a physician licensed under Article 1 of Chapter 90 of the General Statutes with training in concussion management, (ii) a neuropsychologist licensed under Article 18A of Chapter 90 of the General Statutes with training in concussion management and working in consultation with a physician licensed under Article 1 of Chapter 90 of the General Statutes, (iii) an athletic trainer licensed under Article 34 of Chapter 90 of the General Statutes, (iv) a physician assistant, consistent with the limitations of G.S. 90-18.1, or (v) a nurse practitioner, consistent with the limitations of G.S. 90-18.2.
- c. Each school shall develop a venue specific emergency action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan shall include a delineation of roles, methods of communication, available emergency equipment, and access to and plan for emergency transport. This plan must be (i) in writing, (ii) reviewed by an athletic trainer licensed in North Carolina, (iii) approved by the principal of the school, (iv) distributed to all appropriate personnel, (v) posted conspicuously at all venues, and (vi) reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.
- d. Each school shall maintain complete and accurate records of its compliance with the requirements of this subdivision pertaining to head injuries.

The State Board of Education may authorize a designated organization to apply and enforce the Board's rules governing participation in interscholastic athletic activities at the high school level."

**SECTION 2.(b)** G.S. 115C-379 reads as rewritten:

**"§ 115C-379. Method of enforcement.**

(a) It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational opportunity such as service as a legislative page or a Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State.

(b) The rules shall require school principals to authorize excused absences as follows:

- (1) ~~a~~-A minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parents-parent, guardian, or legal custodian.

1           (2)    Whenever a student is unable to attend class because of a school-sponsored  
2                   robotics competition.

3           The rules may require that the student's ~~parents give parent, guardian, or custodian gives the~~  
4           principal written notice of the request for an excused absence a reasonable time prior to the  
5           ~~religious observance event.~~ The student shall be given the opportunity to make up any tests or  
6           other work missed due to an excused absence ~~for a religious observance approved in accordance~~  
7           with this subsection.

8           (c)    It shall be the duty of all school officials to carry out such instructions from the State  
9           Board of Education, and any school official failing to carry out such instructions shall be guilty  
10          of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall  
11          not be in force in any local school administrative unit that has a higher compulsory attendance  
12          feature than that provided herein."  
13

### 14   **PART III. EFFECTIVE DATE**

15           **SECTION 3.** Section 1 of this act becomes effective July 1, 2019. Section 2 of this  
16          act is effective when it becomes law and applies beginning with the 2019-2020 school year.  
17          Except as otherwise provided, this act is effective when it becomes law.



# HOUSE BILL 571: Changes to Advanced Teaching Roles Program.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 9, 2019
<b>Introduced by:</b>	Reps. Horn, Clemmons	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	PCS to First Edition H571-CSBE-13		Committee Co-Counsel

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**OVERVIEW:** *House Bill 571 would codify and make modifications to the Teacher Compensation Models and Advanced Teaching Roles Pilot Program. The PCS would remove the requirement that advanced teaching roles qualifications include peer recommendation letters from teachers who teach in the same grade or subject area and would clarify that class size flexibility only applies to schools implementing the advanced teaching roles.*

**CURRENT LAW:** Sec. 8.7 of S.L. 2016-94, as amended by Sec. 7.11.(a) of S.L. 2017-57, Sec. 7.15 of S.L. 2017-57, and Sec. 7.9 of S.L. 2018-5, established an eight-year pilot program ("Pilot") to develop advanced teaching roles and organizational models that link teacher performance and professional growth to salary increases for classroom teachers in selected local school administrative units (LEAs). A classroom teacher is a teacher who works in the classroom providing instruction for at least 70% of the instructional day and who is not instructional support personnel.

The Pilot's purpose is to:

- Allow highly effective classroom teachers to be accountable for the performance of a higher number of students or by leading a school-wide effort to implement new instructional models to improve school-wide performance.
- Enable LEAs to provide salary supplements to classroom teachers in advanced teaching roles.
- Enable LEAs to create innovative compensation models that focus on classroom teacher professional growth and student outcomes.
- Utilize local plans to establish organizational changes related to compensation to sustain evidenced-based teaching practices that can be replicated.

Proposals from local boards of education must include the following:

- A description of the program structure.
- Descriptions of the advanced teaching roles, including minimum qualifications that must include one of the following:
  - Advanced certifications.
  - A rating of accomplished on the Teacher Evaluation Standards.
  - Evidence of having exceeded expected student growth based on three years of teacher evaluation data.

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 571

Page 2

- Equivalent demonstrated mastery of teaching skills.
- Job responsibilities that include at least one of the following:
  - Teaching an increased number of students and being accountable for their performance.
  - Becoming a lead classroom teacher among a group of teachers.
  - Leading a school-wide effort to implement data-driven instructional models.
  - Training that certifies the teacher as an in-house provider of professional development.
- Description of how the LEA will inform employees and the public on the criteria and selection for the advanced teaching roles, continued eligibility requirements, evaluations, and movement on the proposed new local compensation model.
- The process for the voluntary relinquishment of an advanced teaching role.
- Salary supplement information, including the amount of the supplement (up to 30% of the State teacher salary schedule) along with the amount of the salary supplements at all levels of the proposed new LEA compensation model in relation to the State teacher salary schedule.
- The implementation plan, including the number of schools in the LEA that will have advanced teaching roles, any new compensation model, the number of advanced teaching roles at each school, and the number of teachers eligible for the new compensation model.
- The plans for financial sustainability once grant monies are no longer available to the LEA.

The SBE must select up to 10 LEAs as follows:

- Up to five LEAs with an average daily membership (ADM) equal to or less than 4,000.
- Up to three LEAs with an ADM between 4,001 and 20,000.
- Up to two LEAs with an ADM of 20,001 or more.

The selected LEAs must implement their plans from the 2017-2018 school year through the 2024-2025 school year. Funds awarded to the LEAs can be used for the following:

- Salary supplements for advanced teaching roles.
- Development of advanced teaching role plans.
- Development of professional development courses.
- Transition costs associated with designing and implementing advanced teaching role models.
- Development of the design and implementation of compensation plans that focus on teacher professional growth and student outcomes.

The SBE must contract with an independent research organization to evaluate the Pilot, including how the advanced teaching roles and new compensation plans have accomplished the following:

- Improvement in the quality of classroom instruction and increases in school-wide growth.
- An increase in the attractiveness of teaching.
- Recognition, impact, and retention of high-quality classroom teachers.
- Assistance to and retention of beginning classroom teachers.
- Improvement in and expansion of the use of technology and digital learning.

The independent research organization must report annually to the SBE until the conclusion of the Pilot on all aspects of the implementation and evaluation of the Pilot. It must also evaluate the existing Project LIFT program in the Charlotte-Mecklenburg Public School System and the proposed Project Advance in the Chapel Hill-Carrboro City Schools if that program is implemented. The SBE must provide the annual reports to the General Assembly.

# House PCS 571

Page 3

**BILL ANALYSIS:** The PCS to House Bill 571 would codify the advanced teaching roles program. Local boards of education would be required to submit their proposals by October 15, 2019, and annually thereafter, to participate in the program. The PCS would expand the number of LEAs eligible for the program from 10 to 15. Additionally, LEAs participating in the existing pilot program in the 2019-2020 school year would be guaranteed approval, provided that their application is not inconsistent with the codified program's requirements.

The PCS includes several changes from the Pilot in the requirements for participation in the program, such as:

- Requiring information on how the LEA would utilize and train classroom teachers in advanced teaching roles.
- Requiring teachers in advanced teaching roles to have an average Education Value-Added Assessment System (EVAAS) student growth index score of 1.5 or greater (and no score below zero) over the previous three years.
- Requiring a description of how the LEA could partner with local educator preparation programs, institutions of higher education, or community colleges to improve teacher effectiveness.

Initially selected LEAs would implement their plans beginning with the 2020-2021 school year. The SBE would review participating LEAs every five years to ensure compliance with the approved plan. After review, the SBE could renew or terminate the plan.

Schools that are included in an LEA's approved application would receive class size flexibility, and LEAs that participate in the program would receive budget flexibility for the purpose of providing salary supplements.

Funds awarded for this program are subject to availability and could be awarded for a term of up to three years. LEAs are only eligible to receive funding for one term. Unlike the pilot program, awarded funds could not be used for salary supplements.

The SBE must contract with an independent research organization to provide an evaluation during the first two years of the program. Beginning October 15, 2022, and annually thereafter, the SBE would perform the evaluation and provide the annual reports.

The PCS would appropriate \$1.5 million in nonrecurring funds for the 2019-2020 fiscal year to the Department of Public Instruction (DPI) to be allocated to participating LEAs. These funds would not revert. Additionally, the PCS would appropriate \$3 million in recurring funds for the 2020-2021 fiscal year to DPI to be allocated to participating LEAs. Up to four percent of the funds appropriated could go towards the evaluation of the program each year.

**EFFECTIVE DATE:** The codified language of the PCS would be effective July 1, 2019. The current Pilot would be repealed June 30, 2020.

*\*Drupti Chauhan, Committee Counsel, substantially contributed to this summary.*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 571\*

Short Title: Changes to Advanced Teaching Roles Program. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable, Rules,  
Calendar, and Operations of the House

April 4, 2019

A BILL TO BE ENTITLED  
AN ACT TO MAKE PERMANENT AND MODIFY TEACHER COMPENSATION MODELS  
AND ADVANCED TEACHING ROLES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective June 30, 2020, the following session laws are repealed:

- (1) Section 8.7 of S.L. 2016-94.
- (2) Section 7.11(a) of S.L. 2017-57.
- (3) Section 7.15(b) of S.L. 2017-57.
- (4) Section 7.9 of S.L. 2018-5.

**SECTION 2.** Article 20 of Chapter 115C is amended by adding a new section to read:

**"§ 115C-311. Teacher compensation models and advanced teaching roles.**

(a) Purpose. – The State Board of Education shall establish a program (program) to develop advanced teaching roles and organizational models that link teacher performance and professional growth to salary increases for classroom teachers in selected local school administrative units. For the purposes of this section, a classroom teacher is a teacher who works in the classroom providing instruction at least seventy percent (70%) of the instructional day and who is not instructional support personnel. The purpose of the program shall be to do the following:

- (1) Allow highly effective classroom teachers to teach an increased number of students by assuming accountability for additional students, by becoming a lead classroom teacher accountable for the student performance of all of the students taught by teachers on that lead classroom teacher's team, or by leading a larger effort in the school to implement new instructional models to improve school-wide performance.
- (2) Enable local school administrative units to provide salary supplements to classroom teachers in advanced teaching roles. Selection of an advanced teaching role classroom teacher and award of related salary supplements shall be made on the basis of demonstrated effectiveness and additional responsibilities.
- (3) Enable local school administrative units to create innovative compensation models that focus on classroom teacher professional growth that lead to measurable improvements in student outcomes.



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(4) Utilize local plans to establish organizational changes related to compensation in order to sustain evidenced-based teaching practices that have the capacity to be replicated throughout the State.

(b) Request for Proposal. – By September 15, 2019, and annually thereafter, the State Board of Education shall issue a Request for Proposal (RFP) for the program. Local boards of education shall submit their proposals by October 15. The RFP shall require that proposals include the following information at a minimum:

(1) Description of the program structure, including both of the following:

a. The process for teacher advancement based on performance, professional growth, or the specific teacher roles assumed by the teacher.

b. Plans for how the local school administrative unit will utilize and train classroom teachers in advanced teaching roles. These plans shall draw a direct correlation between the proposed use and training of classroom teachers in advanced teaching roles and improved student outcomes.

(2) Descriptions of the advanced teaching roles, including minimum qualifications for the positions that must include both of the following:

a. Peer recommendation letters from teachers who teach in the same grade or subject area as the classroom teacher in the advanced teaching role.

b. At least two of the following:

1. Advanced certifications, such as National Board for Professional Teaching Standards Certification, or a master's degree in the area in which the classroom teacher is licensed and teaching.

2. A rating of at least accomplished on each of the Teacher Evaluation Standards 1-5 on the North Carolina Teacher Evaluation instrument.

3. Evidence that the teacher has an average Education Value-Added Assessment System (EVAAS) student growth index score from the three previous school years of 1.5 or greater and no individual EVAAS student growth index score below zero.

4. Equivalent demonstrated mastery of teaching skills as required by the new local compensation model.

(3) Job responsibilities that include at least one of the following:

a. Teaching an increased number of students and being accountable for their performance as the teacher of record for those students.

b. Becoming a lead classroom teacher among a group of teachers and participating in EVAAS according to a model developed by the Department of Public Instruction. The model shall be published and explained on the Department's Web site no later than August 1, 2019, and, thereafter, within 30 days of any change made to the model.

c. Leading a school-wide effort to implement data-driven instructional models that include blended learning environments, utilizing digital learning and resources, and focusing on methods of improvement for school-wide performance issues.

d. Completing training that certifies the teacher as an in-house provider of professional development or functioning as an instructional content area coach or a coach in another professional development area. This

- 1                    training shall also ensure the professional development or coaching the  
2                    teacher provides is faithfully implemented in the classroom.
- 3            (4)    Description of how the local school administrative unit will inform all  
4                    employees and the public on the criteria and selection for the advanced  
5                    teaching roles, the continued eligibility requirements for the advanced  
6                    teaching roles, and how the individuals selected for the advanced teaching  
7                    roles will be evaluated.
- 8            (5)    Description of how the local school administrative unit will inform all  
9                    employees and the public on the criteria for movement on the proposed new  
10                   local compensation model.
- 11           (6)    The process for the voluntary relinquishment of an advanced teaching role,  
12                   including the associated additional duties. Voluntary relinquishment of the  
13                   advanced teaching role shall not be considered a demotion under Part 3 of  
14                   Article 22 of Chapter 115C of the General Statutes.
- 15           (7)    Salary supplement information including the following:
- 16                   a.    The amount of the salary supplements that will be provided to those  
17                        selected for the advanced teaching roles. The supplements may be up  
18                        to thirty percent (30%) of the State teacher salary schedule.
- 19                   b.    A statement by the local school administrative unit that the salary  
20                        supplements will be paid as a supplement to the classroom teacher's  
21                        regular salary and not be included in the average salary calculation  
22                        used for budgeting State allotments.
- 23                   c.    A statement by the local school administrative unit that if a classroom  
24                        teacher in an advanced teaching role (i) fails to maintain the minimum  
25                        criteria established for the position, (ii) is not successfully performing  
26                        the additional duties associated with the advanced teaching role, or (iii)  
27                        voluntarily relinquishes the advanced teaching role, the teacher shall  
28                        only be paid the salary applicable to that individual on the State teacher  
29                        salary schedule and any other local supplements that would otherwise  
30                        apply to the classroom teacher's compensation.
- 31                   d.    Loss of an advanced teaching role shall not be considered a demotion  
32                        under Part 3 of Article 22 of Chapter 115C of the General Statutes.
- 33                   e.    The amount of the salary supplements at all levels of the proposed new  
34                        compensation model in relation to the State teacher salary schedule.
- 35           (8)    The implementation plan, including the number of schools in the local school  
36                   administrative unit that will have advanced teaching roles and any new  
37                   proposed compensation model, the number of advanced teaching roles at each  
38                   of those schools, the number of students whose teacher of record will be a  
39                   teacher in an advanced teaching role, and the number of teachers overall who  
40                   would be eligible for the proposed new compensation model.
- 41           (9)    Plans for long-term financial sustainability once any grant money that may be  
42                   awarded to the local school administrative unit is no longer available. This  
43                   plan shall include a description of how the unit intends to provide  
44                   supplemental compensation for teachers in an advanced teaching role without  
45                   grant money.
- 46           (10)   A description of how the local school administrative unit could partner with  
47                   local educator preparation programs, institutions of higher education, or  
48                   community colleges to improve teacher effectiveness and student outcomes.
- 49           (c)    Selection by State Board of Education. – By December 15, 2019, and annually  
50                   thereafter, the State Board of Education shall review proposals and select local school



administrative units to participate in the program, beginning in the subsequent school year, in accordance with the following criteria:

- (1) Selected local school administrative units must meet minimum criteria established by the State Board of Education consistent with this section.
- (2) The State Board shall prioritize the award of available State funds for the following categories of local school administrative units:
  - a. Up to five units with an average daily membership from the previous school year of 4,000 or fewer students.
  - b. Up to five units with an average daily membership from the previous school year of between 4,001 and 20,000 students.
  - c. Up to five units with an average daily membership from the previous school year of 20,001 or more students.
- (3) The State Board shall approve the proposal of any local school administrative unit that is submitted by October 15, 2019, if the following criteria are met:
  - a. The local school administrative unit is participating in an approved advanced teaching roles program pursuant to Section 8.7 of S.L. 2016-84 in the 2019-2020 school year.
  - b. The application of a local school administrative unit is not inconsistent with this section.

(d) Advanced Teaching Roles Designation. – Any local board of education that is selected to participate in the program pursuant to subsection (c) of this section shall be designated as an "Advanced Teaching Roles" unit. Every Advanced Teaching Roles unit shall receive class size flexibility pursuant to subsection (i) of this section and budget flexibility pursuant to subsection (j) of this section.

(e) Material Revisions of Plans. – Material revisions of a plan submitted by an Advanced Teaching Roles unit to the State Board of Education shall be made only upon the approval of the State Board of Education.

(f) Renewal and Termination. – The initial selected local school administrative units shall implement their approved plans beginning with the 2020-2021 school year. Every five years after a local school administrative unit begins implementing its plan, the State Board of Education shall review the unit to ensure it is complying with its approved plan. After the review, the State Board may, in its discretion, renew or terminate the plan and the Advanced Teaching Roles designation of any local school administrative unit that fails to meet criteria established by the State Board in accordance with this section. Throughout the program, a local school administrative unit shall provide any information or access requested by (i) the State Board of Education or (ii) the independent research organization selected by the State Board of Education to evaluate the program pursuant to this section.

(g) Term; Use of Grant Funds. – Any funds awarded to a local school administrative unit pursuant to this section shall be subject to availability and awarded for a term of up to three years, in the discretion of the State Board. A local school administrative unit shall not be eligible to receive funding for more than one term. Funds awarded to local school administrative units shall be used for any of the following:

- (1) Development of advanced teaching role plans.
- (2) Development of professional development courses for teachers in advanced teaching roles that lead to improved student outcomes.
- (3) Transition costs associated with designing and implementing advanced teaching role models. Transition costs may include employing staff members or contractors to assist with design and implementation of the plan.
- (4) Development of the design and implementation of compensation plans that focus on teacher professional growth and student outcomes and the transition costs associated with designing and implementing new compensation plans.

including employing staff members or contractors to assist with design and implementation of the plan.

(h) Program Evaluation. – The State Board of Education shall evaluate how the advanced teaching roles and new compensation plans have accomplished, at a minimum, the following:

- (1) Improvement in the quality of classroom instruction and increases in school-wide growth or the growth of teachers who are mentored or impacted by a teacher in an advanced teaching role.
- (2) An increase in the attractiveness of teaching.
- (3) Recognition, impact, and retention of high-quality classroom teachers.
- (4) Assistance to and retention of beginning classroom teachers.
- (5) Improvement in and expansion of the use of technology and digital learning.
- (6) School culture based on school climate survey results.

The State Board shall contract with an independent research organization to perform this evaluation in the first two years of the program and provide reports on October 15, 2020, and October 15, 2021. Beginning October 15, 2022, and annually thereafter, the State Board shall perform the evaluation and provide the report. The State Board shall provide any report required in accordance with this subsection to the offices of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Senate Appropriations/Base Budget Committee, the House Committee on Appropriations, the Senate Appropriations Committee on Education/Higher Education, the House Appropriations Committee on Education, the Fiscal Research Division, and the Joint Legislative Education Oversight Committee.

(i) Class Size Flexibility. – Notwithstanding G.S. 115C-301, with the approval of the State Board of Education, local school administrative units selected to participate in the program may exceed the maximum class size requirements for kindergarten through third grade.

(j) Budget Flexibility. – Notwithstanding any other provision of law, the State Board of Education shall authorize local boards of education participating in the program to use any available State funds to provide salary supplements to classroom teachers in an advanced teaching role as long as the local school administrative unit complies with policies of the State Board of Education, federal law, and any State programs with specific restrictions on the use of funds, including bonus and grant programs."

**SECTION 3.(a)** There is appropriated from the General Fund to the Department of Public Instruction for the 2019-2020 fiscal year the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds to be allocated to local school administrative units to (i) support teacher compensation models and advanced teaching roles pursuant to Section 8.7 of S.L. 2016-94, as amended, and (ii) develop implementation plans for teacher compensation models and advanced teaching roles pursuant to G.S. 115C-311, as enacted by this act. These funds shall not revert at the end of the fiscal year but shall remain available until expended.

**SECTION 3.(b)** There is appropriated from the General Fund to the Department of Public Instruction for the 2020-2021 fiscal year the sum of three million dollars (\$3,000,000) in recurring funds to be allocated to local school administrative units to support teacher compensation models and advanced teaching roles and to develop implementation plans for teacher compensation models and advanced teaching roles pursuant to G.S. 115C-311, as enacted by this act. Beginning in the 2020-2021 fiscal year, funds appropriated to the Department of Public Instruction for the program and for the evaluation of the program shall not revert at the end of the fiscal year but shall remain available until expended.

**SECTION 4.** Beginning in the 2019-2020 fiscal year, of the funds appropriated to the Department of Public Instruction by this act to support teacher compensation models and advanced teaching roles and to develop associated implementation plans, the Department may use up to four percent (4%) each fiscal year to evaluate the program, contract with an independent research organization to evaluate the program, or continue any preexisting contract with an independent research organization formed pursuant to Section 8.7 of S.L. 2016-94. Any

1 remaining funds may be awarded to selected local school administrative units in accordance with  
2 this act to support teacher compensation models and advanced teaching roles and to develop  
3 associated implementation plans.

4 **SECTION 5.** Except as otherwise provided, this act becomes effective July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 571  
PROPOSED COMMITTEE SUBSTITUTE H571-CSBE-13 [v.2]

04/08/2019 07:16:02 PM

Short Title: Changes to Advanced Teaching Roles Program.

(Public)

Sponsors:

Referred to:

April 4, 2019

A BILL TO BE ENTITLED  
AN ACT TO MAKE PERMANENT AND MODIFY TEACHER COMPENSATION MODELS  
AND ADVANCED TEACHING ROLES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective June 30, 2020, the following session laws are repealed:

- (1) Section 8.7 of S.L. 2016-94.
- (2) Section 7.11(a) of S.L. 2017-57.
- (3) Section 7.15(b) of S.L. 2017-57.
- (4) Section 7.9 of S.L. 2018-5.

**SECTION 2.** Article 20 of Chapter 115C is amended by adding a new section to read:

**"§ 115C-311. Teacher compensation models and advanced teaching roles.**

(a) Purpose. – The State Board of Education shall establish a program (program) to develop advanced teaching roles and organizational models that link teacher performance and professional growth to salary increases for classroom teachers in selected local school administrative units. For the purposes of this section, a classroom teacher is a teacher who works in the classroom providing instruction at least seventy percent (70%) of the instructional day and who is not instructional support personnel. The purpose of the program shall be to do the following:

- (1) Allow highly effective classroom teachers to teach an increased number of students by assuming accountability for additional students, by becoming a lead classroom teacher accountable for the student performance of all of the students taught by teachers on that lead classroom teacher's team, or by leading a larger effort in the school to implement new instructional models to improve school-wide performance.
- (2) Enable local school administrative units to provide salary supplements to classroom teachers in advanced teaching roles. Selection of an advanced teaching role classroom teacher and award of related salary supplements shall be made on the basis of demonstrated effectiveness and additional responsibilities.
- (3) Enable local school administrative units to create innovative compensation models that focus on classroom teacher professional growth that lead to measurable improvements in student outcomes.
- (4) Utilize local plans to establish organizational changes related to compensation in order to sustain evidenced-based teaching practices that have the capacity to be replicated throughout the State.



\* H 5 7 1 - C S B E - 1 3 \*



(b) Request for Proposal. – By September 15, 2019, and annually thereafter, the State Board of Education shall issue a Request for Proposal (RFP) for the program. Local boards of education shall submit their proposals by October 15. The RFP shall require that proposals include the following information at a minimum:

(1) Description of the program structure, including both of the following:

- a. The process for teacher advancement based on performance, professional growth, or the specific teacher roles assumed by the teacher.
- b. Plans for how the local school administrative unit will utilize and train classroom teachers in advanced teaching roles. These plans shall draw a direct correlation between the proposed use and training of classroom teachers in advanced teaching roles and improved student outcomes.

(2) Descriptions of the advanced teaching roles, including minimum qualifications for the positions that shall include at least two of the following:

1. Advanced certifications, such as National Board for Professional Teaching Standards Certification, or a master's degree in the area in which the classroom teacher is licensed and teaching.
2. A rating of at least accomplished on each of the Teacher Evaluation Standards 1-5 on the North Carolina Teacher Evaluation instrument.
3. Evidence that the teacher has an average Education Value-Added Assessment System (EVAAS) student growth index score from the three previous school years of 1.5 or greater and no individual EVAAS student growth index score below zero.
4. Equivalent demonstrated mastery of teaching skills as required by the new local compensation model.

(3) Job responsibilities that include at least one of the following:

- a. Teaching an increased number of students and being accountable for their performance as the teacher of record for those students.
- b. Becoming a lead classroom teacher among a group of teachers and participating in EVAAS according to a model developed by the Department of Public Instruction. The model shall be published and explained on the Department's Web site no later than August 1, 2019, and, thereafter, within 30 days of any change made to the model.
- c. Leading a school-wide effort to implement data-driven instructional models that include blended learning environments, utilizing digital learning and resources, and focusing on methods of improvement for school-wide performance issues.
- d. Completing training that certifies the teacher as an in-house provider of professional development or functioning as an instructional content area coach or a coach in another professional development area. This training shall also ensure the professional development or coaching the teacher provides is faithfully implemented in the classroom.

(4) Description of how the local school administrative unit will inform all employees and the public on the criteria and selection for the advanced teaching roles, the continued eligibility requirements for the advanced teaching roles, and how the individuals selected for the advanced teaching roles will be evaluated.



- (5) Description of how the local school administrative unit will inform all employees and the public on the criteria for movement on the proposed new local compensation model.
- (6) The process for the voluntary relinquishment of an advanced teaching role, including the associated additional duties. Voluntary relinquishment of the advanced teaching role shall not be considered a demotion under Part 3 of Article 22 of Chapter 115C of the General Statutes.
- (7) Salary supplement information including the following:
- a. The amount of the salary supplements that will be provided to those selected for the advanced teaching roles. The supplements may be up to thirty percent (30%) of the State teacher salary schedule.
  - b. A statement by the local school administrative unit that the salary supplements will be paid as a supplement to the classroom teacher's regular salary and not be included in the average salary calculation used for budgeting State allotments.
  - c. A statement by the local school administrative unit that if a classroom teacher in an advanced teaching role (i) fails to maintain the minimum criteria established for the position, (ii) is not successfully performing the additional duties associated with the advanced teaching role, or (iii) voluntarily relinquishes the advanced teaching role, the teacher shall only be paid the salary applicable to that individual on the State teacher salary schedule and any other local supplements that would otherwise apply to the classroom teacher's compensation.
  - d. Loss of an advanced teaching role shall not be considered a demotion under Part 3 of Article 22 of Chapter 115C of the General Statutes.
  - e. The amount of the salary supplements at all levels of the proposed new compensation model in relation to the State teacher salary schedule.
- (8) The implementation plan, including the number of schools in the local school administrative unit that will have advanced teaching roles and any new proposed compensation model, the number of advanced teaching roles at each of those schools, the number of students whose teacher of record will be a teacher in an advanced teaching role, and the number of teachers overall who would be eligible for the proposed new compensation model.
- (9) Plans for long-term financial sustainability once any grant money that may be awarded to the local school administrative unit is no longer available. This plan shall include a description of how the unit intends to provide supplemental compensation for teachers in an advanced teaching role without grant money.
- (10) A description of how the local school administrative unit could partner with local educator preparation programs, institutions of higher education, or community colleges to improve teacher effectiveness and student outcomes.
- (c) Selection by State Board of Education. – By December 15, 2019, and annually thereafter, the State Board of Education shall review proposals and select local school administrative units to participate in the program, beginning in the subsequent school year, in accordance with the following criteria:
- (1) Selected local school administrative units must meet minimum criteria established by the State Board of Education consistent with this section.
  - (2) The State Board shall prioritize the award of available State funds for the following categories of local school administrative units:
    - a. Up to five units with an average daily membership from the previous school year of 4,000 or fewer students.

- 1                   b.       Up to five units with an average daily membership from the previous  
2                         school year of between 4,001 and 20,000 students.  
3                   c.       Up to five units with an average daily membership from the previous  
4                         school year of 20,001 or more students.  
5               (3)       The State Board shall approve the proposal of any local school administrative  
6                         unit that is submitted by October 15, 2019, if the following criteria are met:  
7                   a.       The local school administrative unit is participating in an approved  
8                         advanced teaching roles program pursuant to Section 8.7 of S.L.  
9                         2016-84 in the 2019-2020 school year.  
10                  b.       The application of a local school administrative unit is not inconsistent  
11                         with this section.  
12       (d)       Advanced Teaching Roles Designation. – Any local board of education that is  
13       selected to participate in the program pursuant to subsection (c) of this section shall designate  
14       participating schools within the unit as "Advanced Teaching Roles" schools. Every Advanced  
15       Teaching Roles school shall receive class size flexibility pursuant to subsection (i) of this section  
16       and budget flexibility pursuant to subsection (j) of this section.  
17       (e)       Material Revisions of Plans. – Material revisions of a plan submitted by an Advanced  
18       Teaching Roles unit to the State Board of Education shall be made only upon the approval of the  
19       State Board of Education.  
20       (f)       Renewal and Termination. – The initial selected local school administrative units  
21       shall implement their approved plans beginning with the 2020-2021 school year. Every five years  
22       after a local school administrative unit begins implementing its plan, the State Board of Education  
23       shall review the unit to ensure it is complying with its approved plan. After the review, the State  
24       Board may, in its discretion, renew or terminate the plan and the Advanced Teaching Roles  
25       designation of any local school administrative unit that fails to meet criteria established by the  
26       State Board in accordance with this section. Throughout the program, a local school  
27       administrative unit shall provide any information or access requested by (i) the State Board of  
28       Education or (ii) the independent research organization selected by the State Board of Education  
29       to evaluate the program pursuant to this section.  
30       (g)       Term; Use of Grant Funds. – Any funds awarded to a local school administrative unit  
31       pursuant to this section shall be subject to availability and awarded for a term of up to three years,  
32       in the discretion of the State Board. A local school administrative unit shall not be eligible to  
33       receive funding for more than one term. Funds awarded to local school administrative units shall  
34       be used for any of the following:  
35               (1)       Development of advanced teaching role plans.  
36               (2)       Development of professional development courses for teachers in advanced  
37                         teaching roles that lead to improved student outcomes.  
38               (3)       Transition costs associated with designing and implementing advanced  
39                         teaching role models. Transition costs may include employing staff members  
40                         or contractors to assist with design and implementation of the plan.  
41               (4)       Development of the design and implementation of compensation plans that  
42                         focus on teacher professional growth and student outcomes and the transition  
43                         costs associated with designing and implementing new compensation plans,  
44                         including employing staff members or contractors to assist with design and  
45                         implementation of the plan.  
46       (h)       Program Evaluation. – The State Board of Education shall evaluate how the advanced  
47       teaching roles and new compensation plans have accomplished, at a minimum, the following:  
48               (1)       Improvement in the quality of classroom instruction and increases in  
49                         school-wide growth or the growth of teachers who are mentored or impacted  
50                         by a teacher in an advanced teaching role.  
51               (2)       An increase in the attractiveness of teaching.



- (3) Recognition, impact, and retention of high-quality classroom teachers.
- (4) Assistance to and retention of beginning classroom teachers.
- (5) Improvement in and expansion of the use of technology and digital learning.
- (6) School culture based on school climate survey results.

The State Board shall contract with an independent research organization to perform this evaluation in the first two years of the program and provide reports on October 15, 2020, and October 15, 2021. Beginning October 15, 2022, and annually thereafter, the State Board shall perform the evaluation and provide the report. The State Board shall provide any report required in accordance with this subsection to the offices of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Senate Appropriations/Base Budget Committee, the House Committee on Appropriations, the Senate Appropriations Committee on Education/Higher Education, the House Appropriations Committee on Education, the Fiscal Research Division, and the Joint Legislative Education Oversight Committee.

(i) Class Size Flexibility. – Notwithstanding G.S. 115C-301, with the approval of the State Board of Education, Advanced Teaching Roles schools selected to participate in the program may exceed the maximum class size requirements for kindergarten through third grade.

(j) Budget Flexibility. – Notwithstanding any other provision of law, the State Board of Education shall authorize local boards of education participating in the program to use any available State funds to provide salary supplements to classroom teachers in an advanced teaching role as long as the local school administrative unit complies with policies of the State Board of Education, federal law, and any State programs with specific restrictions on the use of funds, including bonus and grant programs."

**SECTION 3.(a)** There is appropriated from the General Fund to the Department of Public Instruction for the 2019-2020 fiscal year the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds to be allocated to local school administrative units to (i) support teacher compensation models and advanced teaching roles pursuant to Section 8.7 of S.L. 2016-94, as amended, and (ii) develop implementation plans for teacher compensation models and advanced teaching roles pursuant to G.S. 115C-311, as enacted by this act. These funds shall not revert at the end of the fiscal year but shall remain available until expended.

**SECTION 3.(b)** There is appropriated from the General Fund to the Department of Public Instruction for the 2020-2021 fiscal year the sum of three million dollars (\$3,000,000) in recurring funds to be allocated to local school administrative units to support teacher compensation models and advanced teaching roles and to develop implementation plans for teacher compensation models and advanced teaching roles pursuant to G.S. 115C-311, as enacted by this act. Beginning in the 2020-2021 fiscal year, funds appropriated to the Department of Public Instruction for the program and for the evaluation of the program shall not revert at the end of the fiscal year but shall remain available until expended.

**SECTION 4.** Beginning in the 2019-2020 fiscal year, of the funds appropriated to the Department of Public Instruction by this act to support teacher compensation models and advanced teaching roles and to develop associated implementation plans, the Department may use up to four percent (4%) each fiscal year to evaluate the program, contract with an independent research organization to evaluate the program, or continue any preexisting contract with an independent research organization formed pursuant to Section 8.7 of S.L. 2016-94. Any remaining funds may be awarded to selected local school administrative units in accordance with this act to support teacher compensation models and advanced teaching roles and to develop associated implementation plans.

**SECTION 5.** Except as otherwise provided, this act becomes effective July 1, 2019.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 571\*

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

H571-ABE-15 [v.3]

Page 1 of 2

Amends Title [NO]  
H571-CSBE-13

Date April 9, 2019

Representative Horn

1  
2  
3  
4  
5  
6 moves to amend the bill on page 2, line 16, by replacing "1." with "a.";

7  
8 on page 2, line 20, by replacing "2." with "b.";

9  
10 on page 2, line 23, by replacing "3." with "c.";

11  
12 on page 2, line 28, by replacing "4." with "d.";

13  
14  
15  
16  
17 on page 4, lines 17-19 by rewriting the lines to read:

18  
19 "(e) Material Revisions of Plans. – Material revisions of a plan submitted to the State Board  
20 of Education by a local board of education with at least one Advanced Teaching Roles school  
21 shall be made only upon the approval of the State Board of Education.";

22  
23  
24  
25  
26  
27  
28  
29 and on page 4, lines 24-26, by rewriting the lines to read:

30  
31 "Board may, in its discretion, renew or terminate the plan of any local school administrative unit  
32 that fails to meet criteria established by the State Board in accordance with this section and the



\* H 5 7 1 - A B E - 1 5 - V - 3 \*



**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**House Bill 571\***

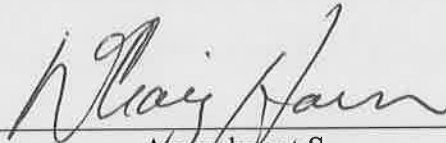
AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

H571-ABE-15 [v.3]

Page 2 of 2

- 1 Advanced Teaching Roles designation of any school within that unit. Throughout the program,  
2 a local school".

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

☒

FAILED

TABLED







## HOUSE BILL 96: Revise Geo. Isolated Schs. Formula/Currituck.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 9, 2019
<b>Introduced by:</b>	Reps. Hanig, Corbin	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	PCS to First Edition H96-CSBN-9		Staff Attorney

**OVERVIEW:** House Bill 96 would revise the geographically isolated schools formula regarding the allocation of teachers for Currituck County.

The PCS makes technical changes and clarifies that the new criterion for geographic isolation applies to schools that contain grades kindergarten through 5 and are only accessible to the majority of the local school administrative unit by ferry.

**CURRENT LAW:** G.S. 115C-301(g1) requires the State Board of Education to allot additional classroom teachers to schools containing grades kindergarten through 12 when consolidation is not feasible due to the geographic isolation of the school. To be geographically isolated, a school must meet at least one of the following criteria:

- The school is located in a local school administrative unit in which the average daily membership is less than 1.5 per square mile.
- The school is located in a local school administrative unit for 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.

**BILL ANALYSIS:** Section 1 would add a criterion for geographic isolation to G.S. 115C-301(g1). A school would be considered geographically isolated if it meets all of the following requirements:

- The school contains grades kindergarten through 5.
- The school is located in a local school administrative unit for a county containing all or a portion of at least one national wildlife refuge owned by the federal government and managed by the United States Fish and Wildlife Service pursuant to G.S. 104-10.
- The school is only accessible to the majority of the local school administrative unit, while remaining in the local school administrative unit, by ferry.

Section 2 would make this act apply only to Currituck County Schools.

**EFFECTIVE DATE:** This act would become effective when it becomes law and would apply beginning with the 2019-2020 school year.

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.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 96

Short Title: Revise Geo. Isolated Schs. Formula/Currituck. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable,  
Appropriations, if favorable, Rules, Calendar, and Operations of the House

February 19, 2019

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE GEOGRAPHICALLY ISOLATED SCHOOLS FORMULA  
3 REGARDING THE ALLOCATION OF TEACHERS FOR CURRITUCK COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** G.S. 115C-301(g1) reads as rewritten:  
6 "(g1) Notwithstanding any other provision of this section, the State Board of Education  
7 shall allot additional classroom teachers to schools containing grades kindergarten through 12  
8 when consolidation is not feasible due to the geographic isolation of the school and the school  
9 meets at 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 (3) The school is located in a local school administrative unit for a county  
17 containing all or a portion of at least one national wildlife refuge owned by  
18 the federal government and managed by the United States Fish & Wildlife  
19 Service pursuant to G.S. 104-10.  
20 The State Board shall allot teachers to geographically isolated schools pursuant to this  
21 subsection on the basis of one classroom teacher per grade level and shall allot teachers to the  
22 remainder of the local school administrative unit in accordance with the formulas for the regular  
23 classroom teacher allotment."  
24 **SECTION 2.** This act applies only to Currituck County Schools.  
25 **SECTION 3.** This act is effective when it becomes law and applies beginning with  
26 the 2019-2020 school year.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 96  
PROPOSED COMMITTEE SUBSTITUTE H96-CSBN-9 [v.1]

04/08/2019 02:48:12 PM

Short Title: Revise Geo. Isolated Schs. Formula/Currituck.

(Public)

Sponsors:

Referred to:

February 19, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE GEOGRAPHICALLY ISOLATED SCHOOLS FORMULA  
3 REGARDING THE ALLOCATION OF TEACHERS FOR CURRITUCK COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-301(g1) reads as rewritten:

6 "(g1) Notwithstanding any other provision of this section, the State Board of Education  
7 shall allot additional classroom teachers to schools ~~containing grades kindergarten through 12~~  
8 when consolidation is not feasible due to the geographic isolation of the school and the school  
9 meets at least one of the following criteria for geographic isolation:

- 10 (1) The school contains grades kindergarten through 12 and is located in a local  
11 school administrative unit in which the average daily membership is less than  
12 1.5 per square mile.  
13 (2) The school contains grades kindergarten through 12 and is located in a local  
14 school administrative unit for a county containing more than 150,000 acres of  
15 national forest owned by the federal government and managed by the United  
16 States Forest Service pursuant to G.S. 104-5.  
17 (3) The school contains grades kindergarten through 5, is located in a local school  
18 administrative unit for a county containing all or a portion of at least one  
19 national wildlife refuge owned by the federal government and managed by the  
20 United States Fish & Wildlife Service pursuant to G.S. 104-10, and is only  
21 accessible to the majority of the local school administrative unit, while  
22 remaining in the local school administrative unit, by ferry.

23 The State Board shall allot teachers to geographically isolated schools pursuant to this  
24 subsection on the basis of one classroom teacher per grade level and shall allot teachers to the  
25 remainder of the local school administrative unit in accordance with the formulas for the regular  
26 classroom teacher allotment."

27 SECTION 2. This act applies only to Currituck County Schools.

28 SECTION 3. This act is effective when it becomes law and applies beginning with  
29 the 2019-2020 school year.







**House Committee on Education K-12  
Tuesday, April 16, 2019 at 1:00 AM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 1:00 p.m. on April 16, 2019 in Room 643 of the Legislative Office Building. Representatives Elmore and Horn – Co-Chairs; Representative Blackwell -Vice-Chair; and Representatives Ball, Beasley, Brody, Clemmons, Corbin, Farmer-Butterfield, Fisher, Fraley, Gailliard, Gill, Hardister, Henson, Iler, Lucas, Meyer, Potts, Riddell, Strickland, Turner and White were in attendance. Also in attendance was Representative Torbett.

Representative Elmore, Co-Chair, called the meeting to order at 1:11 p.m. and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

Rep. Elmore welcomed and recognized the NC Education Policy Fellows, a group of educators from across the State. The fellows were visiting the General Assembly.

The following bills were considered:

**HB 653, School Transportation Personnel Salary Changes** (Primary Sponsor: Representative Torbett), (Attachment 5)

Rep. Elmore announced there was a **PCS, H653-CSTC-14 [v.1]**, (Attachment 6) before the members, asked if there were any objections, seeing none, he recognized Rep. Torbett to explain the bill. Rep. Torbett explained the bill is a study bill to look at personnel salaries that have not been looked at since 1997. Rep. Elmore asked if there were any questions from the committee. Rep. Gill has some concerns if the bill passes, how would the salary be paid? Would the mandate be unfunded and paid thru the County? Rep. Gill had a follow-up question, Rep. Elmore recognized staff to explain the study. Kara McCraw, explained there were three sections, 1) reclassify titles, same positions titles, 2) create new positions and give new titles, 3) analysis of the cost. Rep. Lucas was recognized for concerns with secretarial and TA staff. Rep. Blackwell had questions on the sections. Rep. Elmore recognized staff to give clarification. Staff gave further explanation of the bill and answered questions. Rep. Elmore asked if there were any other questions, he recognized Rep. Hardister for a motion. Rep. Hardister motioned to move for a favorable report to the PCS and an unfavorable report to the original bill with a re-referral to Appropriations/Education. Rep. Elmore put the motion before the committee and asked for vote, the ayes have it, the bill passed.





**HB 563, 30 Minute Duty Free Lunch for Teachers** (Primary Sponsor: Representative Torbett), (Attachment 7)

Rep. Elmore announced Rep. Horn would be presenting the bill. Rep. Horn explained to provide 30 minute duty free lunch or free time for teachers. Rep. Elmore asked if there were any questions. Rep. Ball had concerns regarding section two, Rep. Blackwell questioned who will watch the students while teachers are on breaks, who will pay for additional staff? Rep. Elmore recognized staff for explanation. Staff explained. Rep. Elmore recognized Rep. Clemmons to explain an amendment to the bill, **H563-ARQ-9 [v.2]**, (Attachment 8). Rep. Clemmons explained the amendment would add, duty-free instructional planning and duty-free lunch time. Rep. Elmore asked if there were any other questions on the amendment, seeing none, he asked for a vote on the amendment. The ayes have it, the amendment was adopted. Rep. Elmore asked if there were any other questions on the bill. Rep. Brody was recognized with concerns on extended school days, Rep. Lucas had concerns with duty-free time for teachers to the extent possible and maximum allowance of funding, Rep. Potts had concerns for smaller school districts not the same as large school districts, supports the concept and the idea but it would be difficult to fund. Rep. Elmore recognized staff. Staff explained that the amendment would help the bill. Rep. Elmore recognized Rep. Horn for a comment. Make it clear to schools, whenever possible, give the teachers a break let them have a duty free lunch. Rep. Elmore recognized Rep. Lucas for a motion. Rep. Lucas motioned 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 with a re-referral to House Rules. Rep. Elmore put the motion in front of the committee and asked for a vote, the ayes have it, the bill passed.

**HB 485, Virtual Early Learning Pilot Program** (Primary Sponsors: Representative Horn, Fraley, Warren and Lucas), (Attachment 9)

Rep Elmore recognized Rep. Horn and Senator Howard Stephenson. Sen. Stephenson presented the UPSTART early learning pilot program to the committee. The program would serve the under privilege children to help preschool age children develop literacy skills and prepare for school using computer base in-home service. Rep. Farmer-Butterfield, Gailliard, Potts, Blackwell and Beasley all had questions and concerns with broadband, solar panels, third party data/evaluation, SmartStart, and eligibility criteria's. Rep. Horn and Sen. Stephenson answered all questions. Rep. Elmore recognized Rep. Fraley for a motion. Rep. Fraley motioned to move for a favorable report with a re-referral to Appropriations/Education. Rep. Elmore put the motion before the committee for a vote, the ayes have it, the bill passed.

**HB 521, Provisional License/Teacher from Other States** (Primary Sponsors: Representative Clemmons, Horn, Riddell and Gailliard), (Attachment 10)

Rep. Elmore announced there was a PCS, **H521-CSBE-18[v.4]** (Attachment 11) before the committee, without any objections, the PCS is before the committee. Rep. Elmore also announced there is an amendment to the bill. He recognized Rep. Clemmons to explain the PCS. Rep.



Clemmons explained the PCS is a compromise. Currently out of state teachers would need to earn substitute pay until the teacher gets NC Teaching license/certified in NC. The change would give out of state teachers a transitional license for 3 years and authorize local Boards of Education , allowing the teacher experience credit for the purposes of paying the teacher according to the State salary schedule for teachers during the first year of the license . Rep. Elmore recognized Rep. Turner to speak on the amendment **H521-ABE-20 [v.4]** (Attachment 12). Rep. Turner explained the amendment would change the lifetime license from 50 years to 30 or more years with no renewal. Rep. Elmore put the amendment before the committee for a vote, the ayes have it the amendment is adopted. Rep. Elmore asked if there were any other questions or comments on the bill as amended. Rep. Elmore recognized Rep. Potts. Rep. Clemmons and Rep. Elmore were able to answer concerns and questions. Rep. Elmore asked if there were any further questions, seeing none he recognized Rep. Turner for a motion. Rep. Turner motioned favorable to the PCS as amended, rolled into a new PCS, with a favorable report to the new PCS and an unfavorable to the original bill with a re-referral to House Rules. Rep. Elmore asked for a vote, the ayes have it, the bill passed.

**HB 493 Abuse & Neglect Resources** (Primary Sponsors: Representative White and Horn), (Attachment 13)

Rep. Elmore announced there was a **PCS H493-CSTC-15 [v.1]**, (Attachment 14) asked if there were any objections, seeing none, the PCS is before the committee. Rep. Elmore announced there is an amendment to the bill, **H493-ATC-24 [v.2]**, (Attachment 15) he recognized Rep. Horn to explain the amendment. Rep. Horn stated the amendment was a technical change that was found by staff. Rep. Elmore asked if there were any questions on the amendment, seeing none, he asked for a vote, the ayes have it, the amendment was adopted. Rep. Elmore recognized Rep. White to speak on the bill. Rep. White explained the bill is another tool to use to address child abuse and neglect. The age targets 6<sup>th</sup> -12<sup>th</sup> grade. The School Board of Education and Superintendents would adopt a policy for the children to receive a document every year, and the document would be displayed in public areas of the school, that gives the students a hotline number for the Department of Social Services to report any abuse or neglect. Rep. Elmore asked if there were any questions or comments. He recognized Rep. Riddell. Rep. Riddell complimented the bill sponsors. Rep. Gailliard was looking for clarity. Why exempt private schools? He added the bill should apply to all children, all schools. Rep. White explained the Christian schools do not take tax payer monies, only LEA's do. Rep. Elmore asked if there were any other questions or comments. He recognized Rep. Riddell for a motion. Rep. Riddell motioned favorable to the PCS as amended, rolled into a new PCS, with a favorable report to the new PCS and an unfavorable report to the original bill with a re-referral to Appropriations/Education. Rep. Elmore put the motion before the committee for a vote, the ayes have it, the bill passed.

There being no further business before the Committee, Representative Elmore adjourned the meeting at 2:07 P.M.



Respectfully submitted:



Representative Jeffrey Elmore, Co-Chair



Linda M. Stevenson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. HB 653 and Summary
6. PCS, H653-CSTC-14 [v.1]
7. HB 563 and Summary
8. Amendment, H563-ARQ-9 [v.2]
9. HB 485 and Summary
10. HB 521 and Summary
11. PCS, H521-CSBE-18[v.4]
12. Amendment, H521-ABE-20 [v.4]
13. HB 493 and Summary
14. PCS, H493-CSTC-15 [v.1]
15. Amendment, H493-ATC-24 [v.2]



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, April 16, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Elmore will preside

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 485</u>	Virtual Early Learning Pilot Program.	Representative Horn Representative Fraley Representative Warren Representative Lucas
<u>HB 493</u>	Abuse & Neglect Resources.	Representative White Representative Horn
<u>HB 521</u>	Provisional License/Teacher from Other State.	Representative Clemmons Representative Horn Representative Riddell Representative Gailliard
<u>HB 563</u>	30 Min. Duty-Free Lunch for Teachers.	Representative Torbett
<u>HB 110</u>	Protect Religious Meeting Places.	Representative R. Turner

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:53 PM on Thursday, April 11, 2019.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk -- House Chamber

Linda Stevenson (Committee Assistant)





**House Committee on Education - K-12**  
**Tuesday, April 16, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**  
Representative Elmore, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 485	Virtual Early Learning Pilot Program.	Representative Horn Representative Fraley Representative Warren Representative Lucas Representative White Representative Horn
HB 493	Abuse & Neglect Resources.	Representative Clemmons
HB 521	Provisional License/Teacher from Other State.	Representative Horn Representative Riddell Representative Gailliard
HB 563	30 Min. Duty-Free Lunch for Teachers.	Representative Torbett
HB 653	School Transp. Personnel Salary Changes.	Representative Torbett

**Presentations**

**Other Business**

**Adjournment**



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 485** Virtual Early Learning Pilot Program.  
Draft Number: None  
**Serial Referral: APPROPRIATIONS, EDUCATION**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Horn

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 493** Abuse & Neglect Resources.  
Draft Number: H493-PCS10527-TC-15  
**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: White

**HB 521** Provisional License/Teacher from Other State.  
Draft Number: H521-PCS10525-BE-19  
**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**  
Recommended Referral: None  
Long Title Amended: Yes  
Floor Manager: Clemmons

**HB 563** 30 Min. Duty-Free Lunch for Teachers.  
Draft Number: H563-PCS40394-RQ-8  
**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**  
Recommended Referral: None  
Long Title Amended: Yes  
Floor Manager: Torbett

**HB 653** School Transp. Personnel Salary Changes.  
Draft Number: H653-PCS30390-TC-14  
**Serial Referral: APPROPRIATIONS, EDUCATION**  
Recommended Referral: None  
Long Title Amended: Yes  
Floor Manager: Torbett



\* C M R 2 9 1 - V - 1 \*



**TOTAL REPORTED: 5**



\* C M R 2 9 1 - V - 1 \*



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	4/16/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	-																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	-																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Scott Brewer	-																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	-																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	✓																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		





DATES	4/16/19																	
Rep. Larry Potts	✓																	
Rep. Dennis Riddell	✓																	
Rep. Kandie Smith	-																	
Rep. Larry Strickland	✓																	
Rep. Rena Turner	✓																	
Rep. Donna McDowell White	✓																	
Ex-officio																		
Rep. John Bell																		
Rep. Brenden Jones																		
Rep. David Lewis																		
Rep. Sarah Stevens																		
Rep. John Torbett	✓																	



Committee Sergeants at Arms

House Committee on Education K-12

NAME OF COMMITTEE \_\_\_\_\_

DATE: 04/16/2019 \_\_\_\_\_

Room: 643 LOB \_\_\_\_\_

House Sgt-At Arms:

1. Name: Terry McCraw \_\_\_\_\_
2. Name: Jim Moran \_\_\_\_\_
3. Name: Thomas Terry \_\_\_\_\_
4. Name: Will Crocker \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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



# House Pages Assignments Tuesday, April 16, 2019 Session: 11:00 AM

Committee	Room	Time	Staff	Comments	Member
Education - K-12	643	1:00 PM	Alexander Cook		Rep. Robert T. Reives, II
			Caroline DeMaayer		Rep. Gale Adcock
			Katherine Horner		Rep. Josh Dobson
			Jared Sloan		Rep. Julie von Haefen
Environment	422	1:00 PM	Abigail Hamilton		Rep. Susan C. Fisher
			Christina Hamilton		Rep. Susan C. Fisher
			Tiffany Lee		Rep. Gale Adcock
			Jenna Schroeder		Speaker Rep. Tim Moore



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/16/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Laura Bilbro-Berry

EPFP

Thad M. Harrill

EPFP

Murielle Hutchens

EPFP

Evan Coats

EPFP

Nancy B. Ruppel

EPFP

Susan Blackburn

EPFP

Alicee Hopkins

EPFP

Liz Radzicki

EPFP

Laura Rosof

EPFP

Julie Pittman

EPFP

Jason Deans

JDA





# VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/16/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Anthony Leak	NCPTA
Elizabeth Yelverton	NCASA
Rodney Pierce	Public School Forum EPFP
Christie Norris	EPFP
Pauletta Thompson	EPFP
Loralee Craddock	NCNA Nurse of the Day
W. Gardner Calypso	PPAD
Tanya Hoston	OSHR
Amanda Donovan	LTS
Mitchell Schwab	Charter One
Jamie Gillespie	EPFP



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/16/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Richard Boston	NC SBA
Katherine Joyce	NCASA
Adam Prolemore	NCACE
Grace Hildworf	NCSEA
Erin N. J. Bellamy Matt Gross	Bellamy Group Inc. VHHS
Tierney Fairchild	EPFP
Michelle Maunier	EPFP
ZACH WALKER	EPFP
Peggy L. Owens	EPFP
Sara Bigley	EPFP



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/16/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bob Maynard	GRM : Assoc
Jason Gerner	nb
Steve David	af
Marken H.D.	Sr H. 11
Tyler Ford	MWC
Rachel Balie	RBla
Michelle Frazier	NP
Amanda McKinney	WTA
Greg Fraw	RK LLC
Fam Stillwell	TSL
Marge Foreman	NCAE



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/16/2019

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Edna Wallace

RTI

Rob Black

Red Wolf Communications





## VISITOR REGISTRATION SHEET

House Committee on Education K-12

04/16/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

COURTNEY STALLMANN	TPPP
Xevin Harrison	DPI
Lynn Harvey	DPI
Elyssee Gibson	Appstate
Corinne Smith	Appalachian State University
Leah Sutton	Best NC
Allison Goff	Hunt Institute
Cholder	SBE
FREEBIRD McKINNEY	SBE
Tom Tomberlin	NC DPI
Kevin Wilkinson	NC DPI





## HOUSE BILL 653: School Transp. Personnel Salary Changes.

2019-2020 General Assembly

---

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 16, 2019
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H653-CSTC-14		Committee Counsel

---

**OVERVIEW:** *HB 653 directs the State Board of Education (SBE) to reclassify and establish positions related to school transportation. HB 653 also directs the SBE to revise the salary grades and ranges of certain transportation personnel positions.*

*The PCS for HB 653 directs that, instead of revision to salary grades and ranges by the SBE, a survey of local school administrative units be conducted to determine the cost of those revisions.*

**CURRENT LAW:** G.S. 115C-12(9)a. authorizes the SBE to certify and regulate the grade and salary of teachers and other school employees.

**BILL ANALYSIS:** HB 653 directs the SBE to reclassify 10 of the current classifications for transportation directors to new titles. HB 653 also directs the SBE to establish additional transportation personnel position classifications, based on existing positions. Finally, HB 653 directs the SBE to have the Department of Public Instruction conduct a survey of local school administrative units on the potential costs of revising the salary range and grades for certain transportation positions based of salary ranges established by the State Human Resources Commission, and provide that information to the State Board of Education, Joint Legislative Education Oversight Committee, and Fiscal Research Division by February 15, 2020.

**EFFECTIVE DATE:** HB 653 would become effective July 1, 2019.

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.*



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**D**

**HOUSE BILL 653  
PROPOSED COMMITTEE SUBSTITUTE H653-CSTC-14 [v.1]**

4/14/2019 4:52:12 PM

Short Title: School Transp. Personnel Salary Changes.

(Public)

Sponsors:

Referred to:

April 10, 2019

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REVISE CERTAIN  
POSITION CLASSIFICATIONS, AND TO PROVIDE ADDITIONAL INFORMATION  
ON THE COST OF REVISIONS OF SALARY GRADES AND SALARY RANGES FOR  
TRANSPORTATION PERSONNEL.

The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education shall reclassify the below transportation personnel positions as follows:

- (1) Transportation Director I to Assistant Director – Transportation.
- (2) Transportation Director II to Assistant Director – Transportation.
- (3) Transportation Director III to Assistant Director – Transportation.
- (4) Transportation Director IV to Transportation Director.
- (5) Transportation Director V to Transportation Director.
- (6) Transportation Director VI to Transportation Director.
- (7) Transportation Director VII to Transportation Director.
- (8) Transportation Director VIII to Senior Director – Transportation.
- (9) Transportation Director IX to Senior Director – Transportation.
- (10) Transportation Director X to Executive Director – Transportation.

**SECTION 2.** The State Board of Education shall establish the following additional transportation personnel position classifications, based on existing positions:

- (1) Cost Clerk/Inventory Specialist I.
- (2) Cost Clerk/Inventory Specialist II.
- (3) TIMS Data Manager I.
- (4) TIMS Data Manager II.
- (5) TIMS Coordinator.
- (6) Receptionist/Office Support I.
- (7) Receptionist/Office Support II.
- (8) Transportation Mech. Supv. II.
- (9) Transportation Coordinator.

**SECTION 3.** The State Board of Education shall direct the Department of Public Instruction to survey local schools administrative units on the economic impact of potential revisions to the salary grades and ranges for the following transportation personnel positions, including positions reclassified by this act. The survey shall determine the total salary for current employees under the potential salary grades and ranges, assuming that any employee who would receive a reduction in pay as a result of the revisions be held harmless from the reduction and continue at that employee's current salary, and shall compare that amount to the total salary for



the same employees under the current salary grades and ranges. The potential salary grades and ranges shall be based on the ranges established by the State Human Resources Commission for the following General Salary Schedule grades:

Position	Grade
Transportation Safety Assist.	GN03
Receptionist/Office Support I	GN03
Bus Driver	GN04
Vehicle Operator	GN04
Receptionist/Office Support II	GN05
Transportation Mechanic I	GN06
Cost Clerk/Inventory Specialist I	GN06
TIMS Data Manager I	GN06
Cost Clerk/Inventory Specialist II	GN07
TIMS Data Manager II	GN07
Transportation Mechanic II	GN08
Transportation Mech. Supv. I	GN09
Transportation Mechanic III	GN10
TIMS Coordinator	GN10
Transportation Coordinator	GN10
Transportation Mech. Supv. II	GN11
Assistant Director – Transportation	GN12
Transportation Director	GN15
Senior Director – Transportation	GN17
Executive Director – Transportation	GN18

**SECTION 4.** Local boards of education shall report the information required by Section 3 of this act to the Department of Public Instruction by November 15, 2019. The information shall be compiled by the Department of Public Instruction to determine the total costs, if any, of the salary grade and revisions, and shall report that information to the State Board of Education, Joint Legislative Education Oversight Committee, and Fiscal Research Division by February 15, 2020.

**SECTION 5.** This act becomes effective July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 653

Short Title: School Transp. Personnel Salary Changes.

(Public)

Sponsors: Representative Torbett.

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable, Rules,  
Calendar, and Operations of the House

April 10, 2019

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REVISE CERTAIN  
POSITION CLASSIFICATIONS, SALARY GRADES, AND SALARY RANGES FOR  
TRANSPORTATION PERSONNEL.

The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education shall reclassify the below transportation  
personnel positions as follows:

- (1) Transportation Director I to Assistant Director – Transportation.
- (2) Transportation Director II to Assistant Director – Transportation.
- (3) Transportation Director III to Assistant Director – Transportation.
- (4) Transportation Director IV to Transportation Director.
- (5) Transportation Director V to Transportation Director.
- (6) Transportation Director VI to Transportation Director.
- (7) Transportation Director VII to Transportation Director.
- (8) Transportation Director VIII to Senior Director – Transportation.
- (9) Transportation Director IX to Senior Director – Transportation.
- (10) Transportation Director X to Executive Director – Transportation.

**SECTION 2.** The State Board of Education shall establish the following additional  
transportation personnel position classifications, based on existing positions:

- (1) Cost Clerk/Inventory Specialist I.
- (2) Cost Clerk/Inventory Specialist II.
- (3) TIMS Data Manager I.
- (4) TIMS Data Manager II.
- (5) TIMS Coordinator.
- (6) Receptionist/Office Support I.
- (7) Receptionist/Office Support II.
- (8) Transportation Mech. Supv. II.
- (9) Transportation Coordinator.

**SECTION 3.** The State Board of Education shall revise the salary grades and ranges  
for the following transportation personnel positions, including positions reclassified by this act,  
based on the ranges established by the State Human Resources Commission for the following  
General Salary Schedule grades:

Position	Grade
Transportation Safety Assist.	GN03



1	Receptionist/Office Support I	GN03
2	Bus Driver	GN04
3	Vehicle Operator	GN04
4	Receptionist/Office Support II	GN05
5	Transportation Mechanic I	GN06
6	Cost Clerk/Inventory Specialist I	GN06
7	TIMS Data Manager I	GN06
8	Cost Clerk/Inventory Specialist II	GN07
9	TIMS Data Manager II	GN07
10	Transportation Mechanic II	GN08
11	Transportation Mech. Supv. I	GN09
12	Transportation Mechanic III	GN10
13	TIMS Coordinator	GN10
14	Transportation Coordinator	GN10
15	Transportation Mech. Supv. II	GN11
16	Assistant Director – Transportation	GN12
17	Transportation Director	GN15
18	Senior Director – Transportation	GN17
19	Executive Director – Transportation	GN18.

20       **SECTION 4.** Notwithstanding the foregoing, an employee whose position is affected  
21 by this act shall not receive a reduction in pay due to a change in salary range as long as the  
22 employee (i) was employed in an affected position prior to the enactment of this act and (ii)  
23 remains in the same position.

24       **SECTION 5.** This act becomes effective July 1, 2019.





## HOUSE BILL 563: 30 Min. Duty-Free Lunch for Teachers.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 16, 2019
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

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**OVERVIEW:** *House Bill 563 would provide a minimum of 30 minutes of duty-free time for lunch for teachers.*

**CURRENT LAW:** Under G.S. 115C-105.27 which addresses the development and approval of school improvement plans, one of the strategies for improving student performance is to have a plan to provide a duty-free lunch for every teacher on a daily basis, or as otherwise approved by the school improvement team.

**BILL ANALYSIS:** House Bill 563 would require that full-time assigned classroom teachers receive at least 30 minutes of duty-free lunch time on a daily basis during regular student contact hours. This requirement would also have to be put into the school improvement plan.

**EFFECTIVE DATE:** The bill becomes effective when it becomes law and applies beginning with the 2019-2020 school year.

Karen Cochrane-Brown  
Director



H 5 6 3 - S M R Q - 1 8 E 1 - V - 1

Legislative Analysis  
Division  
919-733-2578

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 563

Short Title: 30 Min. Duty-Free Lunch for Teachers.

(Public)

Sponsors: Representative Torbett.

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 4, 2019

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE A MINIMUM OF THIRTY MINUTES OF DUTY-FREE LUNCH  
TIME FOR TEACHERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-301.1 reads as rewritten:

**"§ 115C-301.1. Duty-free instructional planning and lunch time.**

(a) ~~All During regular student contact hours all~~ full-time assigned classroom teachers shall be provided with both of the following:

(1) ~~duty-free Duty-free instructional planning time during regular student contact hours.time.~~

(2) At least 30 minutes of duty-free lunch time on a daily basis.

(b) The duty-free instructional planning time shall be provided to the maximum extent that (i) the safety and proper supervision of children may allow during regular student contact hours and (ii) insofar as funds are provided for this purpose by the General Assembly. If the safety and supervision of children does not allow duty-free instructional planning time during regular student contact hours for a given teacher, the funds provided by the General Assembly for the duty-free instructional planning time for that teacher shall revert to the general fund. Principals shall not unfairly burden a given teacher by making that teacher give up his or her duty-free instructional planning time on an ongoing, regular basis without the consent of the teacher."

**SECTION 2.** G.S. 115C-105.27(b) reads as rewritten:

"(b) School Improvement Plan. – In order to improve student performance, the school improvement team at each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. All school improvement plans shall be, to the greatest extent possible, data-driven. School improvement teams shall use the Education Value-Added Assessment System (EVAAS) or a compatible and comparable system approved by the State Board of Education to (i) analyze student data and identify root causes for problems, (ii) determine actions to address them, and (iii) appropriately place students in courses such as Algebra I. School improvement plans shall contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting the measurement standards.

The strategies for improving student performance:

(1) Shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school



\* H 5 6 3 - V - 1 \*

improvement plan. The plan may provide that a portion of these funds is used for mentor training and for release time and substitute teachers while mentors and teachers mentored are ~~meeting~~;meeting.

(1a) Repealed by Session Laws 2012-142, s. 7A.1(c), effective July 2, 2012.

(2) Shall include a plan to address school safety and discipline ~~concerns~~;concerns.

(3) May include a decision to use State funds in accordance with ~~G.S. 115C-105.25~~;G.S. 115C-105.25.

(4) Shall include a plan that specifies the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of ~~school~~;school.

(5) May include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of ~~G.S. 115C-105.26~~;G.S. 115C-105.26.

(6) Shall include a plan to provide a minimum of 30 minutes for a duty-free lunch period on a daily basis for every teacher ~~on a daily basis or as otherwise approved by the school improvement team; and under G.S. 115C-301.1(a).~~

(7) Shall include a plan to provide duty-free instructional planning time for every teacher under G.S. 115C-301.1, with the goal of providing an average of at least five hours of planning time per ~~week~~;week.

(8) Shall include a plan to identify and eliminate unnecessary and redundant reporting requirements for teachers and, to the extent practicable, streamline the school's reporting system and procedures, including requiring forms and reports to be in electronic form when possible and incorporating relevant documents into the student accessible components of the Instructional Improvement System."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year.



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 563**

AMENDMENT NO. # 1

(to be filled in by  
Principal Clerk)

H563-ARQ-9 [v.2]

Page 1 of 2

Amends Title [YES]  
First Edition

Date April 16, 2019

Representative Clemmons

moves to amend the bill on page 1, lines 2 through 20, by rewriting the lines to read:

"AN ACT TO PROVIDE A MINIMUM OF THIRTY MINUTES OF DUTY-FREE LUNCH TIME FOR TEACHERS TO THE EXTENT POSSIBLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-301.1 reads as rewritten:

**"§ 115C-301.1. Duty-free instructional planning time and lunch time.**

(a) ~~All~~ During regular student contact hours all full-time assigned classroom teachers shall be provided with both of the following:

(1) ~~duty-free~~ Duty-free instructional planning time during regular student contact hours time.

(2) At least 30 minutes of duty-free lunch time on a daily basis.

(b) The duty-free instructional planning time and duty-free lunch shall be provided to the maximum extent that (i) the safety and proper supervision of children may allow during regular student contact hours and (ii) insofar as funds are provided for this purpose by the General Assembly. If the safety and supervision of children does not allow duty-free instructional planning time and duty-free lunch during regular student contact hours for a given teacher, the funds provided by the General Assembly for the duty-free instructional planning time and duty-free lunch for that teacher shall revert to the general fund. Principals shall not unfairly burden a given teacher by making that teacher give up his or her duty-free instructional planning time or duty-free lunch on an ongoing, regular basis without the consent of the teacher."";



\* H 5 6 3 - A R Q - 9 - V - 2 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 563**

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

H563-ARQ-9 [v.2]

Page 2 of 2

- 1 And on page 2, line 17, by rewriting the line to read:  
2 "approved by the school improvement team; and under G.S. 115C-301.1."  
3  
4

SIGNED Ashton Clemmons  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

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







## HOUSE BILL 485: Virtual Early Learning Pilot Program.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 16, 2019
<b>Introduced by:</b>	Reps. Horn, Fraley, Warren, Lucas	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 485 would establish UpStart, a virtual early learning pilot program for pre-school age children.*

**BILL ANALYSIS:** Section 1 would require the State Board of Education (State Board), in consultation with the Department of Public Instruction, Office of Early Learning, and the Department of Health and Human Services, Division of Child Development and Early Education, to establish a three-year virtual early learning pilot program known as "UpStart." The pilot program would be targeted to at-risk, preschool-age children to develop school readiness skills. The purpose of UpStart would be to do the following:

- Evaluate the effectiveness of giving preschool-age children at-home access to interactive individualized instruction delivered by computers and the Internet to prepare them academically for success in school.
- Test the feasibility of scaling a home-based curriculum in reading, math, and science delivered to all preschool-age children of the State.

This section would also require the State Board to issue a request for proposals (RFP) to contract with a third-party organization (contractor). To be selected, the contractor would need to have demonstrated experience in the delivery of a home-based educational technology program to provide adaptive computer software for literacy and numeracy instruction and an assessment for preschool-age children. The State Board would be required to ensure that the contractor does each of the following:

1. Provides computer-assisted instruction for preschool-age children on a home computer connected by the Internet to a centralized storage facility.
2. Provides technical support to families for the installation and operation of the instructional software.
3. Provides for the installation of computer and Internet access in the homes of low-income families.
4. Has the capability to (i) communicate with parents, (ii) update instructional software, (iii) validate user access, (iv) collect usage data, (v) store research data, and (vi) produce reports for parents, schools, and the General Assembly.
5. Develops and implements a program with the following components:
  - a. Computer-assisted, individualized instruction in reading, math, and science.
  - b. A multisensory reading tutorial program for children needing additional reading instruction.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 485

Page 2

- c. A validated computer adaptive reading test that accurately indicates reading readiness of children who cannot read and provides easily understood reports for parents and educators.
6. Has the capability to quickly and efficiently modify, improve, and support the product.
7. Collaborates with school district personnel who will provide administrative and technical support of the program.
8. Purchases equipment and service through cooperative purchasing contracts.

Section 2 would require the State Board to select up to 10 local education agencies (LEAs) to participate in UpStart. The LEAs selected by the State Board would have to meet the following:

- Have demonstrated waiting lists for the North Carolina Prekindergarten (NC Pre-K program).
- Be from geographically diverse areas of the State, including representation from tier one, tier two, and tier three counties, as designated by the NC Department of Commerce in 2017.

This section would allow the State Board and LEAs to purchase computers, peripheral equipment, and Internet service for low-income families.

Section 3 would require the contractor to develop and implement UpStart, and require the selected LEAs to solicit family participants through a public information campaign and referrals. Qualifying children would be selected through a random lottery. To be qualified to participate, a preschool-age child would have to be the following:

- 4 years old on or before August 31 of the program year.
- At risk, which is defined to include:
  - A child whose family's gross income is at or below 100% of the federal poverty level.
  - A child of either (i) an active duty member of the Armed Forces who was ordered into active duty in the last 18 months or is expected to be ordered within the next 18 months, or (ii) a member of the Armed Forces who was injured or killed while serving on active duty.

The local North Carolina Partnerships for Children, Inc., partnerships would be allowed to make eligibility determinations. If funds are available, eligibility could be extended to a child whose family's gross income is at or below 133% of the federal poverty guidelines.

Section 4 would require the State Board to make an annual report on UpStart to the Joint Legislative Education Oversight Committee by November 30 of each year of the pilot. The report would include: (i) the extent to which the pilot program is accomplishing the purposes for which it was established; (ii) the number of families selected to participate; (iii) the number of families requesting computers; (iv) the number of computers furnished; (v) the number of families requiring Internet access; (vi) the frequency of use of the instructional software; (vii) any obstacles encountered with software usage, hardware usage, or providing technical assistance; and (viii) student performance on pre-kindergarten and post-kindergarten assessments conducted by LEAs and charter schools for students who participated in UpStart compared to those students who did not.

Section 5 would appropriate \$500,000 in nonrecurring funds for each year of the 2019-2021 biennium to the State Board to provide funding for qualifying preschool-age children to participate in UpStart. For the 2021-2022 fiscal year only, the Director of the Budget would be required to include in the base budget the amount of nonrecurring funds needed to support UpStart. Funds appropriated pursuant to this section would be divided evenly in each fiscal year among the LEAs selected to participate. Any unexpended funds would revert upon the completion of the pilot program.

**EFFECTIVE DATE:** This act would become effective July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 485

Short Title: Virtual Early Learning Pilot Program. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable,  
Appropriations, if favorable, Rules, Calendar, and Operations of the House

March 28, 2019

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH A VIRTUAL EARLY LEARNING PILOT PROGRAM FOR  
PRESCHOOL-AGE CHILDREN.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Pilot Program. – The State Board of Education (Board), in consultation with the Department of Public Instruction, Office of Early Learning, and the Department of Health and Human Services, Division of Child Development and Early Education, shall establish a three-year virtual early learning pilot program known as "UpStart." The pilot program shall be targeted to "at-risk," preschool-age children to develop school readiness skills and created to: (i) evaluate the effectiveness of giving preschool-age children access, at home, to interactive individualized instruction delivered by computers and the Internet to prepare them academically for success in school; and (ii) test the feasibility of scaling a home-based curriculum in reading, math, and science delivered by computers and the Internet to all preschool-age children in the State.

**SECTION 1.(b)** Contractor Requirements. – In establishing the pilot program, the Board shall develop and issue a request for proposal (RFP) to contract with a third-party organization (contractor). The contractor shall have demonstrated experience in the delivery of a home-based educational technology program to provide adaptive computer software for literacy and numeracy instruction and an assessment for preschool-age children. The Board shall ensure that the contractor selected to conduct the pilot program does each of the following:

- (1) Provides computer-assisted instruction for preschool-age children on a home computer connected by the Internet to a centralized file storage facility.
- (2) Provides technical support to families for the installation and operation of the instructional software.
- (3) Provides for the installation of computer and Internet access in homes of low-income families that cannot afford the equipment and service.
- (4) Has the capability of doing the following through the Internet:
  - a. Communicating with parents.
  - b. Updating the instructional software.
  - c. Validating user access.
  - d. Collecting usage data.
  - e. Storing research data.
  - f. Producing reports for parents, schools, and the General Assembly.
- (5) Develops and implements a program consisting of the following components:



- a. Computer-assisted, individualized instruction in reading, mathematics, and science.
- b. A multisensory reading tutorial program for children needing additional reading instruction.
- c. A validated computer adaptive reading test that accurately indicates reading readiness of children who cannot read and provides easily understood reports for parents and educators.

(6) Has the capability to quickly and efficiently modify, improve, and support the product.

(7) Collaborates with school district personnel who will provide administrative and technical support of the program.

(8) Purchases equipment and service through cooperative purchasing contracts.

**SECTION 2.(a)** School District Participation in Pilot Program. – The Board shall select up to 10 local education agencies (LEAs) to participate in the pilot program. The LEAs selected for participation in the pilot program shall have demonstrated waiting lists for the North Carolina Prekindergarten (NC Pre-K) program. LEAs shall be from geographically diverse areas in the State, with representation from tier one, tier two, and tier three counties. For purposes of this section, tier one, tier two, and tier three counties shall have the same designations as those established by the N.C. Department of Commerce's 2017 County Tier Designations.

**SECTION 2.(b)** Equipment. – The Board or an LEA may purchase computers, peripheral equipment, and Internet service for low-income families who cannot afford them.

**SECTION 3.** Family Participation in Pilot Program. – The contractor selected to develop and implement the pilot program and the LEAs selected to participate in the pilot shall solicit family participants through a public information campaign and referrals from participating LEAs. Qualifying children shall be selected through a random lottery. For purposes of this pilot program, a preschool-age child is eligible for participation in the program based on the following:

(1) Is 4 years of age on or before August 31 of the program year.

(2) Is at risk, which shall be defined to include the following:

a. A child whose family's gross income is at or below one hundred percent (100%) of the federal poverty level.

b. A child of either the following: (i) an active duty member of the Armed Forces of the United States, including the North Carolina National Guard, State military forces, or a reserve component of the Armed Forces, who is ordered to active duty by the proper authority within the last 18 months or is expected to be ordered within the next 18 months or (ii) a member of the Armed Forces of the United States, including the North Carolina National Guard, State military forces, or a reserve component of the Armed Forces, who was injured or killed while serving on active duty.

Eligibility determinations for participation in the pilot program may be made by local North Carolina Partnerships for Children, Inc., partnerships. If funds are available, in addition to the children defined as "at risk" in this section, the pilot program may also serve a child whose family's gross income is at or below one hundred thirty percent (130%) of the federal poverty guidelines.

**SECTION 4.** Annual Report. – The Board shall make a report on the pilot program to the Joint Legislative Education Oversight Committee by November 30 of each year for the duration of the pilot program. The report shall include the following:

(1) The extent to which the pilot program is accomplishing the purposes for which it was established.

(2) The number of families selected to participate in the pilot.

(3) The number of families requesting computers.

- 1 (4) The number of computers furnished.
- 2 (5) The number of families requiring Internet access.
- 3 (6) The frequency of use of the instructional software.
- 4 (7) Any obstacles encountered with software or hardware usage or in providing
- 5 technical assistance to families.
- 6 (8) Student performance on pre-kindergarten and post-kindergarten assessments
- 7 conducted by LEAs and charter schools for students who participated in the
- 8 pilot program in comparison to those students who did not participate in the
- 9 pilot program.

10 **SECTION 5.** Appropriation. – There is appropriated from the General Fund to the  
11 State Board of Education the sum of five hundred thousand dollars (\$500,000) in nonrecurring  
12 funds for each year of the 2019-2021 fiscal biennium to provide funding for qualifying  
13 preschool-age children to participate in the pilot program established by this act. For the  
14 2021-2022 fiscal year only, the Director of Budget shall also include in the base budget, as  
15 defined by G.S. 143C-1-1(d)(1c), the amount of nonrecurring funds needed to support the pilot  
16 program. Funds appropriated pursuant to this section shall be divided evenly in each fiscal year  
17 among the LEAs selected to participate in the pilot program. Upon completion of the pilot  
18 program, any unexpended funds shall revert back to the General Fund.

19 **SECTION 6.** Effective Date. – This act becomes effective July 1, 2019.





SUCCESS FROM THE  
**START**

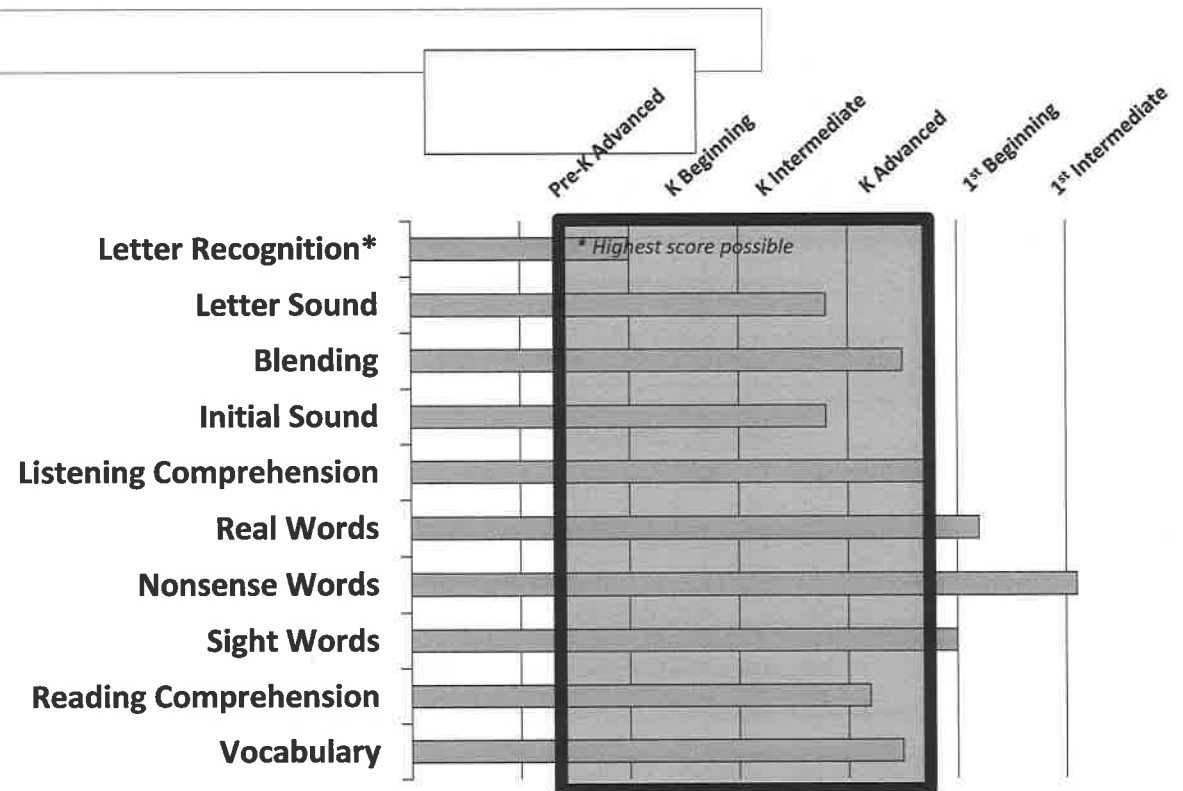
## Pew Charitable Trusts – Pre-K Conference

- 11 States without state funded Pre-K
- Big Sky Montana
- Each state team developed its own plan
- Utah took a family-centered approach
- Passed Legislation for computer-based in-home Services
- Legislation required child and parent efficacy training



# UPSTART Students in Utah Enter Kindergarten AT or ABOVE Grade Level

UPSTART students in Utah enter Kindergarten at a “Kindergarten Advanced” level. 2-3 times greater growth in critical literacy skills regardless of their background or demographics.



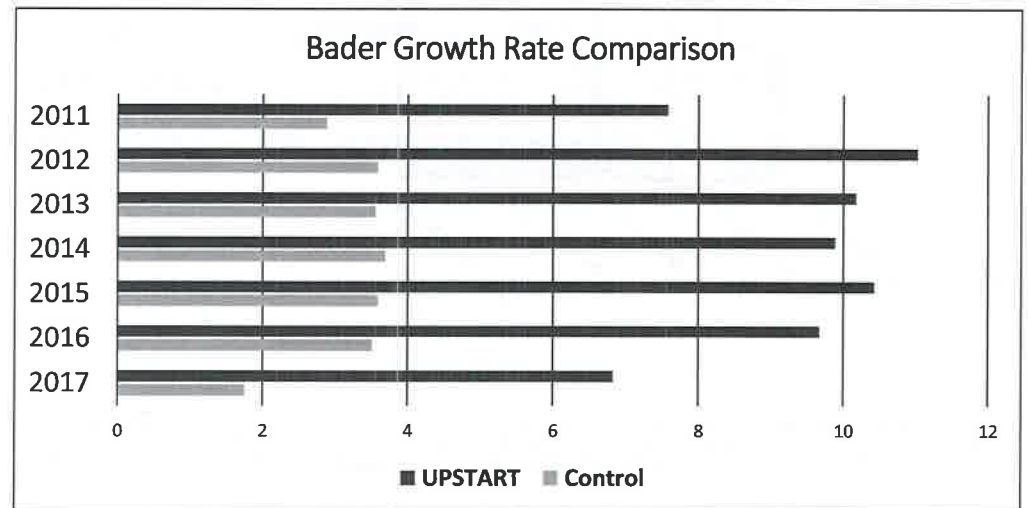
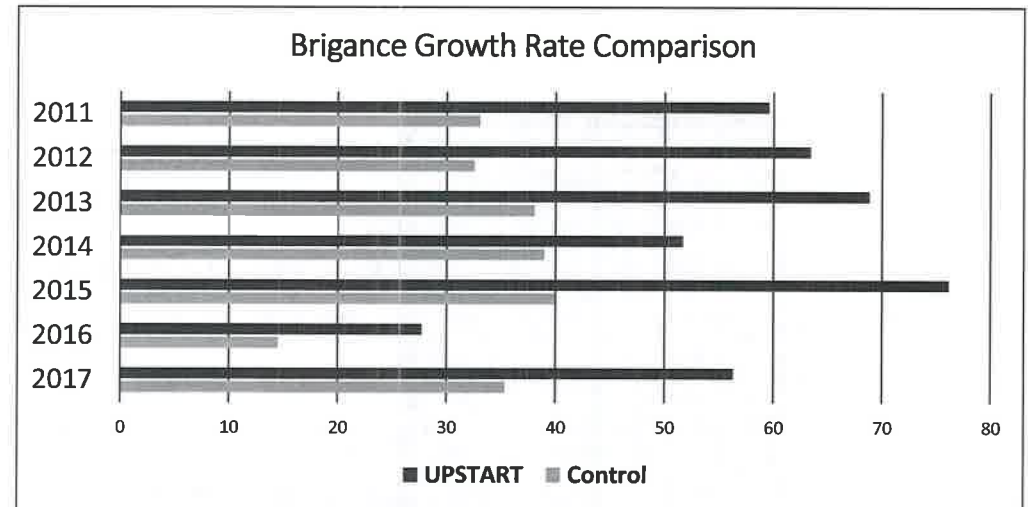
# UPSTART – External Evaluations



The Evaluation and Training Institute (ETI)

The state of Utah has used a 3rd party evaluation to study how children who use UPSTART perform compared to children who did not have the opportunity to participate in the program.

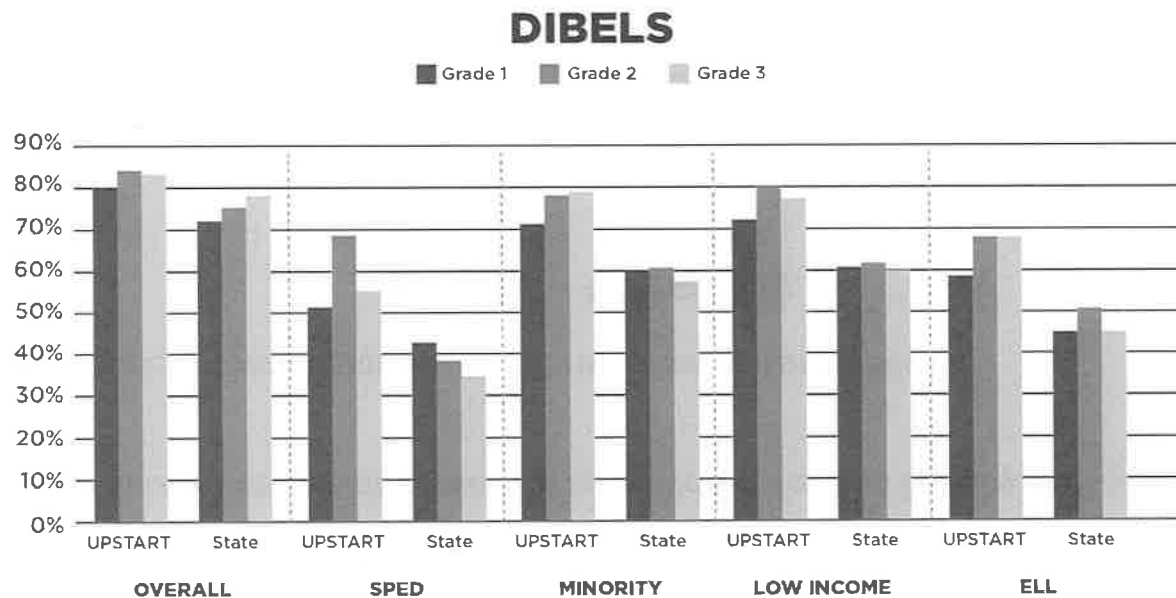
UPSTART children have 2 to 3 times the growth on both the Bader and Brigance Assessments.



# UPSTART – Longitudinal Results

The Utah State Board of Education (USBE) conducted a longitudinal evaluation of UPSTART outcomes in Utah that found:

- UPSTART students continually outperform state averages compared to their non-UPSTART peers on state standardized tests in grades first through fourth (the highest grade UPSTART participants had achieved at the time of the study).
- Significantly, these gains were consistent across all subgroups, including special education, minority, low-income, and English learner populations.



# UPSTART – Longitudinal Results

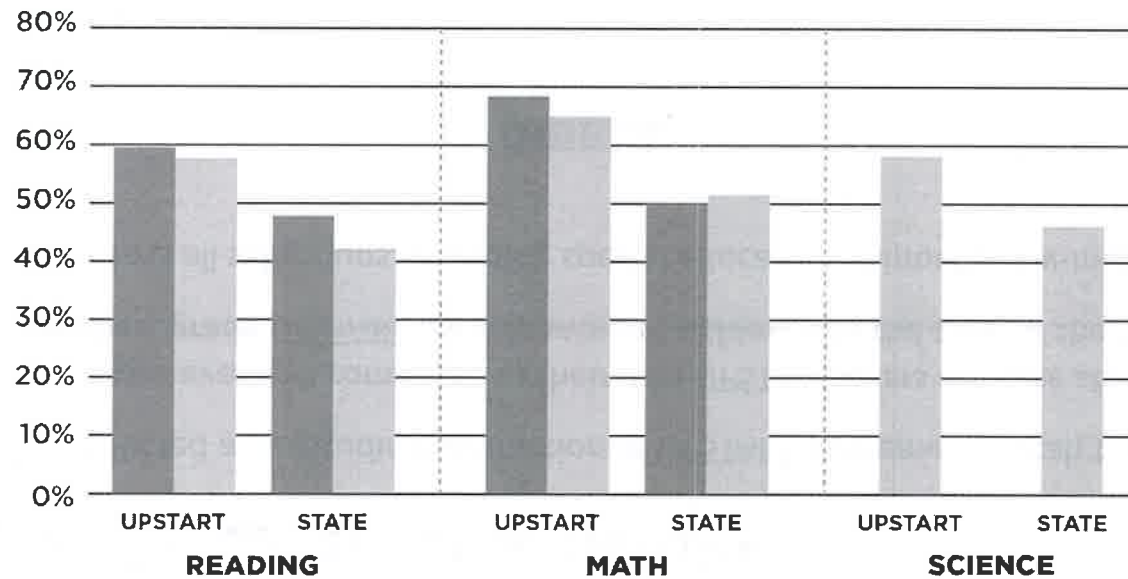
The USBE longitudinal evaluation of the program in Utah also found:

- “The UPSTART program shows continued success at helping preschool age children develop literacy skills and prepare for school.”
- “The strong program effects support wide-scale implementation across at-risk preschool populations.”



## SAGE - Overall

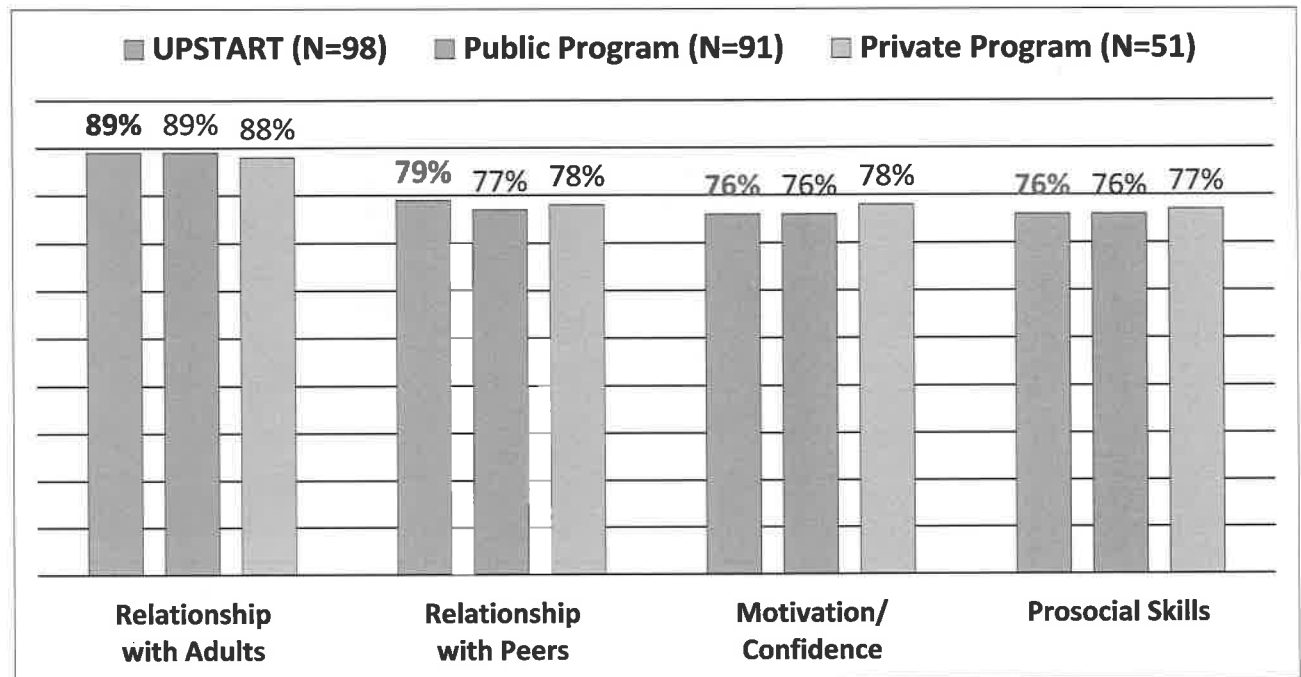
■ GRADE 3 ■ GRADE 4



# UPSTART – Social Emotional Learning



**Social-Emotional Development Skills by Program Group**





**A Fair Start: Ensuring all Students  
Are Ready to Learn**  
Education

NATIONAL CONFERENCE OF STATE LEGISLATURES | JAN 2018



Silas, son of a single dad







**MEMORANDUM**

**TO:** Members, Utah State Board of Education

**FROM:** Diana Suddreth  
Director, Teaching and Learning

**DATE:** April 14-15, 2016

**INFORMATION:** Report - *Utah Preparing Students Today for a Rewarding Tomorrow*  
(UPSTART)

---

**Background:**

The UPSTART Program, outlined in 53A-1a-1000, is a home-based preschool program, developed and provided by Waterford, to prepare preschool children for school and future academic success. An independent evaluation is conducted to represent the effectiveness of UPSTART. This report addresses the number of families participating in the program, the frequency of use of the instructional software, and student performance on assessments.

**Board Strategic Plan:**

This item supports the following imperatives and strategies in the Board's Strategic Plan:

- Educational equity

**Anticipated Action:**

The Standards and Assessment Committee will review the Cohort 6 report on the UPSTART Program prior to its presentation to the Education Interim Committee.

**Contact:** Sara Wiebke, 801-538-7935  
Jennifer Throndsen, 801-538-7893  
Diana Suddreth, 801-538-7739  
Rich Nye, 801-538-7550

# UPSTART Program

Report of FY 2016



Prepared by the  
Utah State Office of Education

April 14- 15, 2016

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# UPSTART

*In Compliance with Intent Language of 53A-1a-1001*

## Introduction: UPSTART Cohort 6

Utah Preparing Students Today for a Rewarding Tomorrow (UPSTART) is a pilot project established by the Utah State Legislature that uses a home-based education technology approach to develop the school readiness skills of preschool children. In its sixth year of operation, the project's implementation contractor – the Waterford Institute – enrolled 5,091 preschool children and provided them with an adaptive program of computer-based early literacy instruction to prepare them academically for kindergarten. Children enrolled in the sixth year cohort, hereafter referred to as Cohort 6 (C6), participated in UPSTART from September 2014 through June 2015.

The UPSTART software uses adaptive lessons, digital books, songs, and activities to deliver early literacy content. The reading skills taught by the Waterford Early Learning Program at Level 1 of the curriculum<sup>1</sup> include:

- Phonological Awareness: phonemic segmenting and blending
- Phonics: letter name knowledge, letter sound knowledge, and word reading
- Comprehension and Vocabulary: vocabulary knowledge and oral comprehension
- Language Concepts: concepts of written language from letters and pictures to basic grammar

Children are encouraged to use the UPSTART program for 15 minutes a day, 5 days a week. Families are provided with parental resources and technical support from Waterford customer service representatives.

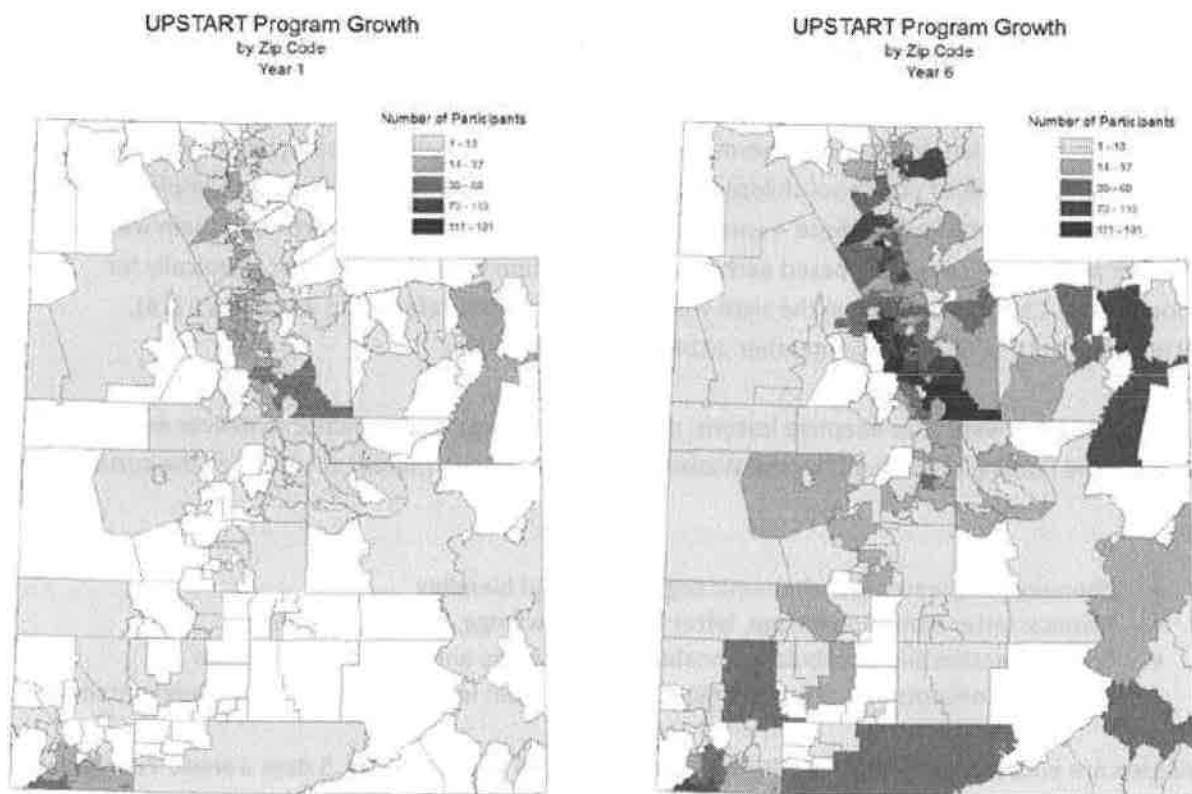
## Program Implementation: Demographics

The 2014-15 program year marked a breakout year for UPSTART enrollment, rising from 1,577 preschool students in year five to 5,091 in year six, an increase of over 300 percent. This significant increase was due to an additional one million dollar allocation, less students requiring hardware and internet, and lower equipment cost. The maps depicted in **Figure 1** showcase UPSTART program participation by student zip code from the inception of the program (Year 1, N=1,248) to the most recent program year (Year 6, N=5,091). As seen below in **Figure 1**, the UPSTART program has furthered its reach over the past six years and augmented enrollment in both urban and rural areas of the state.

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<sup>1</sup> Level One is the beginning point of the curriculum where the preschool child begins as a nonreader and is introduced to skills designed to teach the child to read.

**Figure 1. Map of UPSTART program participation in Year 1 and Year 6**



Demographic characteristics of the C6 population are presented below in Table 1, along with characteristics of UPSTART children comprising the matched treatment sample.

**Table 1**  
**Demographic Characteristics of C6 Population**

Demographic Categories		All C6 UPSTART (N=5,091)	Matched Treatment (N=138)
Child's Gender	Male	48%	48%
	Female	52%	52%
Child's Ethnicity	White	83%	94%
	Hispanic	12%	2%
	Asian/Pacific Islander	3%	3%
	African American	1%	0%
	Native American	<1%	1%
	Other	2%	1%
Child's Language	English	92%	100%
	Spanish	7%	0%

	Other	1%	0%
Parent Educational Attainment	Some High School	3%	1%
	High School Graduate	10%	15%
	Some College	36%	83%
	College Graduate	42%	1%
	Advanced Degree	9%	0%
Parent Marital Status	Married	94%	95%
	Otherwise	6%	5%
Household Poverty Level	Under 100%	16%	12%
	Under 185%	45%	49%
	Under 200%	50%	53%

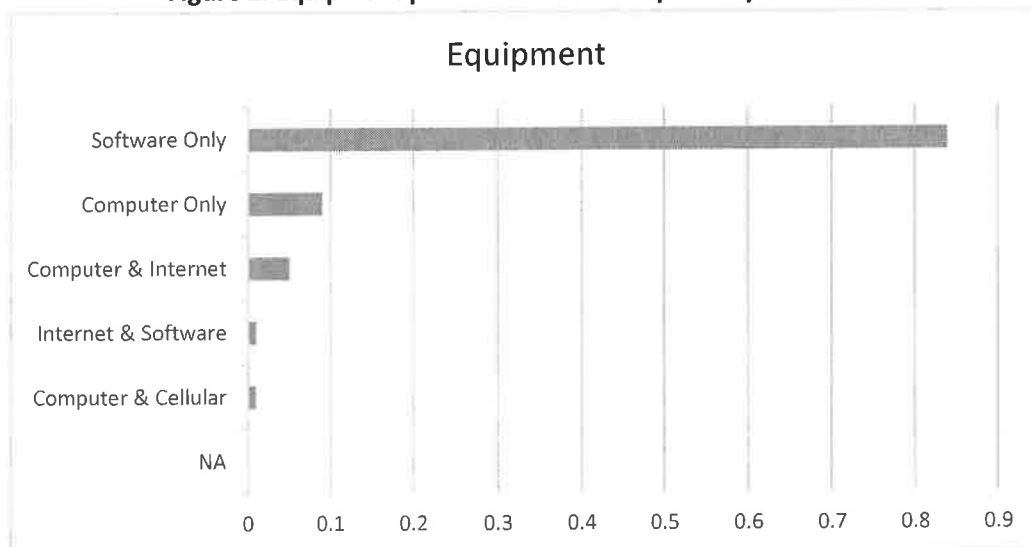
Note: Percentages may not add to 100% due to rounding.

## Program Implementation: Equipment

The type of education technology provided to UPSTART children in Year 6 of the program is shown in **Figure 2**. The vast majority of UPSTART children (84%) used the Waterford website to retrieve the UPSTART program, allowing families to access the UPSTART curriculum from their home computers.

For the remaining students, UPSTART provided personal computers to 9% of the C6 children while they participated in the program. Another 5% of the C6 program participants were provided with internet subscriptions and personal computers. The remaining 7% of the C6 enrollment received various combinations of computer technology to enable them to access the UPSTART curriculum (see **Figure 2** for details).

**Figure 2. Equipment provided to C6 Participants by Waterford**



\*Note: Percentages may not add to 100% due to rounding.

## Program Implementation: Usage

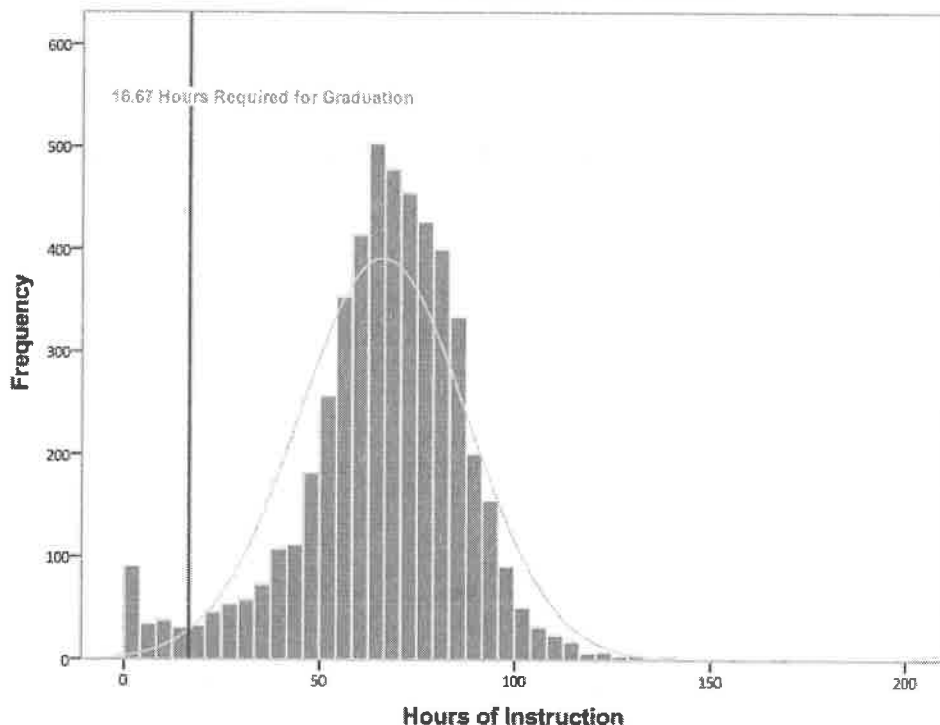
Program usage was reviewed for all UPSTART participants. The hours of instruction observed for all children enrolled in C6 are summarized in **Table 2**. The average level of usage was approximately 67 hours of instruction; this is slightly less than the average level of usage as documented in the fifth year of the program (71 hours). The C6 academic year covered 44 weeks of instruction, beginning the week of September 1, 2014 and ending June 29, 2015.

**Table 2**  
**C6 Hours of UPSTART Instruction**

Group	N	Mean	SD	Range
All UPSTART	5,091	66.75	21.64	00.00 - 183.56

The histogram in **Figure 3** shows the distribution of hours of instruction for the total C6 population (N=5,091). Forty-five of the enrolled families who were provided instructional equipment (e.g., computers, an Internet subscription, and a computer drive) did not log any instructional time in the UPSTART curriculum and dropped out of the program within eight weeks of enrollment. At the other end of the spectrum, six children logged over 150 hours of instruction. For enrolled families whose children did use the curriculum, the average duration in the program was approximately 41 weeks. This usage pattern is similar to that observed in the fifth year of the program. Similar to previous years, the sixth year evaluation of UPSTART found curriculum usage to be significantly and positively related to literacy outcomes.

**Figure 3. Hours of Instruction for C6 Families**



## Research Methods

The evaluation of UPSTART's sixth cohort moved from using a nonequivalent control group, seen in previous years, to a pre-test/post-test design with a statistically balanced one-to-one match of treatment and control students to assess the program's impact on developing children's early literacy skills in preschool. The independent evaluator, ETI (Evaluation and Training Institute), enhanced the established evaluation design to meet a higher level of accountability for the Cohort 6 students and to ensure that the program resources were having a positive impact on school readiness. While requiring a larger sample size, the matching process enhanced their ability to detect treatment effects and, in general, improved the accuracy of the evaluation results. The research findings cover two areas: how the program was implemented and what types of impact it had on children's literacy. Simply put, using a matching process to develop the treatment and control groups is a stronger method for ruling out the influence of preexisting differences between groups on program outcomes.

The matching process resulted in a data file with comparable (matched) students in each group so that there could be improved precision in estimating treatment effects. **Table 3** displays the demographic breakdown of the matched treatment and control groups.

**Table 3**  
**Matched Treatment-Control Comparisons on Key Demographics**

Demographic Categories		Treatment (N=138)	Control (N=138)
Child Gender	Female	49%	49%
	Male	51%	51%
Child Ethnicity	Caucasian	98%	98%
	Hispanic	1%	1%
Child Language	English	100%	100%
Parent Education Level	High School Diploma	12%	10%
	Some College	75%	75%
	Bachelor's degree	9%	9%
	Graduate degree	3%	5%
Parent Marital Status	Married	95%	89%
Household Income	Under \$10,000	2%	2%
	\$10k-\$24,999	5%	10%
	\$25k-\$49,999	29%	29%
	\$50k-\$74,999	35%	34%
	\$75k-\$99,999	24%	17%
	\$100k or more	5%	8%

## Outcome Measures

The outcomes for the UPSTART evaluation are measures of early literacy skills that are aligned to the UPSTART curriculum and considered to be important predictors of later reading ability, such as phonological awareness, letter knowledge, and vocabulary. In order to measure these outcomes in our

treatment and control groups, ETI used appropriate subscales from two standardized measures of early literacy, the Brigance Inventory of Educational Development and the Bader Reading and Language Inventory.

The Brigance Inventory of Educational Development was selected as an early literacy measure of phonics and vocabulary knowledge and as a measure of pre-Kindergarten academic and cognitive skills. Ten scales were administered from the language development and academic/cognitive domains of the Brigance. Brigance subscales measured the literacy constructs of *vocabulary and syntax, pre-literacy discrimination, letter knowledge, and decoding*.

The Bader Reading and Language Inventory was selected as a measure of *phonological awareness*. Phonological awareness involves the child's ability to detect the sound structure of spoken words at three levels: rhyming, syllables, and phonemes. The Bader is comprised of three phonological awareness subtests: rhyme recognition, phonemic blending, phoneme segmentation.

## Impacts on Literacy

Results from effect size and growth score analyses indicated that participation in UPSTART had a strong impact on children's emerging literacy skills. Children enrolled in UPSTART produced large effects ( $ES = .81$ ) compared to control children on the Brigance composite, an instrument that measures decoding skills, letter knowledge, vocabulary and syntax, and pre-literacy discrimination. Similarly, UPSTART participants experienced large effects ( $ES = .95$ ) on the Bader, an instrument assessing children's phonological awareness.

## Do UPSTART students have better literacy skills at entry to kindergarten than control students?

Effect sizes<sup>2</sup> were calculated to show the magnitude of UPSTART's impact at post-test as measured by each of the 13 literacy subtests (10 Brigance subtests and 3 Bader subtests), and the Total Brigance and Bader Composites (composites include aggregated results of the subtests). An effect size (ES) is a measure that describes the magnitude of the difference between two groups, essentially standardizing a scale so the results are easy to interpret and have meaning. Cohen (1998) categorizes effect sizes as small (0.2), medium (0.5), and large (0.8). Combined post-test results showed that UPSTART participation had a large impact on students' early literacy skill development. In the matched post-test sample<sup>3</sup> ( $N=271$ ), UPSTART produced large effects (.95 and .81) as measured by the total Bader and Brigance composite scores (see Figure 4).

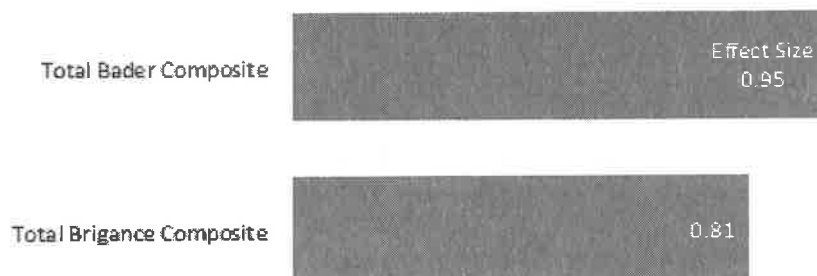
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<sup>2</sup> Effect size (Cohen's  $d$ ) was calculated for each test as the treatment group mean minus the control group mean divided by the pooled standard deviation.

<sup>3</sup> Treatment Group ( $N = 138$ ); Control Group ( $N = 133$ )



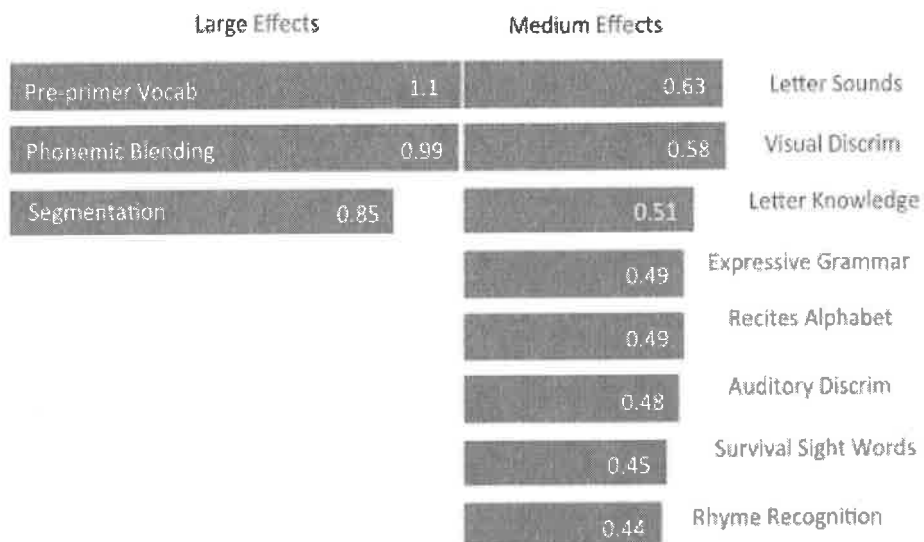
**Figure 4. Brigance and Bader Posttest Analysis of Composite Scores**



UPSTART children scored significantly higher on eleven of the thirteen Brigance and Bader subtests on the post-test, showing strong empirical evidence that UPSTART was successful helping children develop key early literacy skills. The ES estimates for individual subtests ranged from .44 (Rhyme Recognition) to 1.1 (Pre-primer Vocabulary) and would be considered medium to large effects. Expressive and Receptive Vocabulary subtests were the only subtests in which the treatment and control groups were non-significant at post-test.

**Figure 5** presents the ES of each literacy subtest based on the size of their effects (small, medium or large). UPSTART had the largest impact on pre-primer vocabulary (1.1), phonemic blending (.99), and phonemic segmentation (.85).

**Figure 5. Effect size estimates by magnitude of effect**



## Do UPSTART students show stronger literacy growth rates from preschool to kindergarten than control students?

Growth rates for the treatment and control children were compared based on the observed difference scores between the post-test and the pre-test.

- The treatment group showed significantly ( $p < .05$ ) stronger mean literacy growth rates compared to the control group on the Total Bader and Brigance Composites, with the treatment group scoring an average of 7 points higher on the Bader and 37 points higher on the Brigance.
- The treatment group showed statistically stronger ( $p < .05$ ) literacy growth rates compared to the control group on five out of ten Brigance subtests (Letter Knowledge, Letter Sounds, Auditory Discrimination, Survival Sight Words, and Basic Vocabulary) and all three Bader subtests (Rhyme Recognition, Phonemic Blending, and Segmentation).
- There was no difference in growth rates between the treatment and control group on the following four subtests: Expressive and Receptive Vocabulary (measures vocabulary and syntax), Expressive Grammar (measures vocabulary and syntax), Visual Discrimination (measures pre-literacy discrimination), and Recites Alphabet (measures letter knowledge).
- Of the five literacy constructs in which the Brigance and Bader subtests measure, Vocabulary and Syntax was the only construct in which growth rates between the treatment and control students were not statistically significant ( $p < .05$ ).

## Longitudinal Effects

Longitudinal data was gathered and measured against state averages, to inform whether UPSTART has a lasting effect. UPSTART students continually out performed state averages in DIBELS and SAGE testing in grades first through fourth. **Figures 6-11** display overall, special education (SPED), minority, low income, and English learner (EL) data.

Figure 6

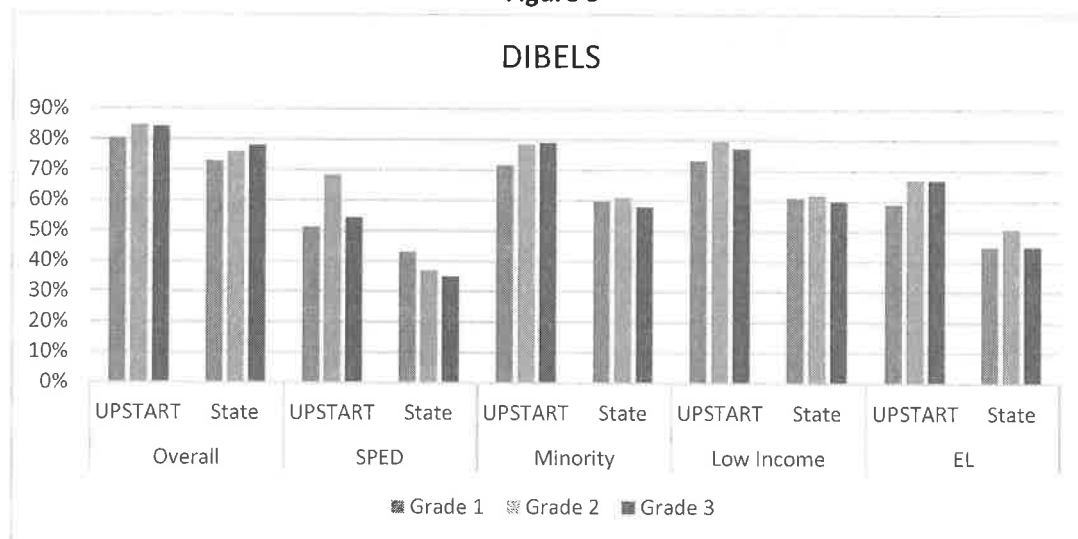


Figure 7

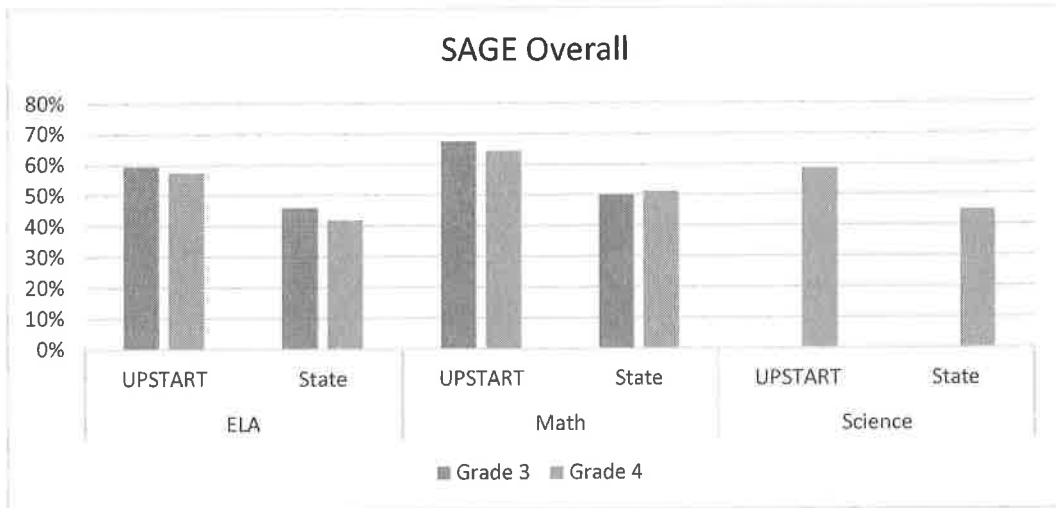


Figure 8

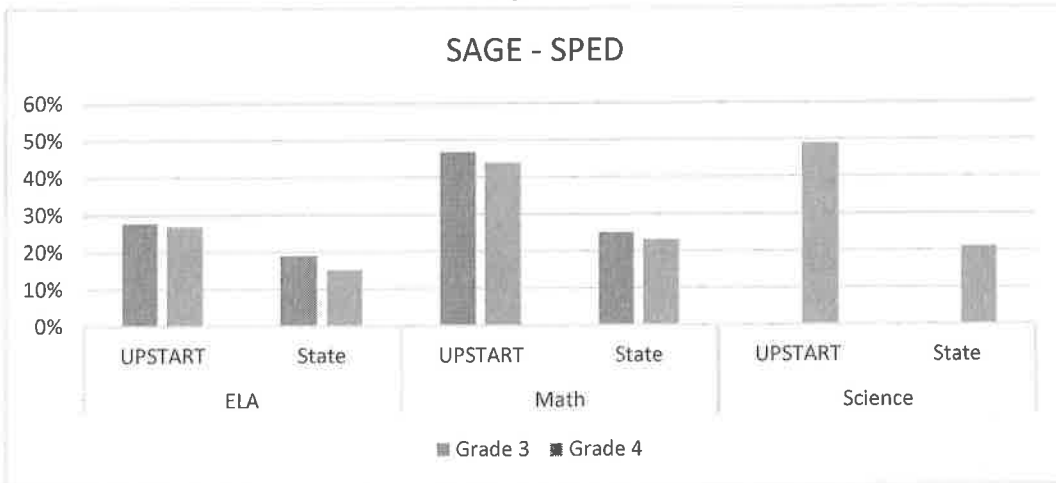
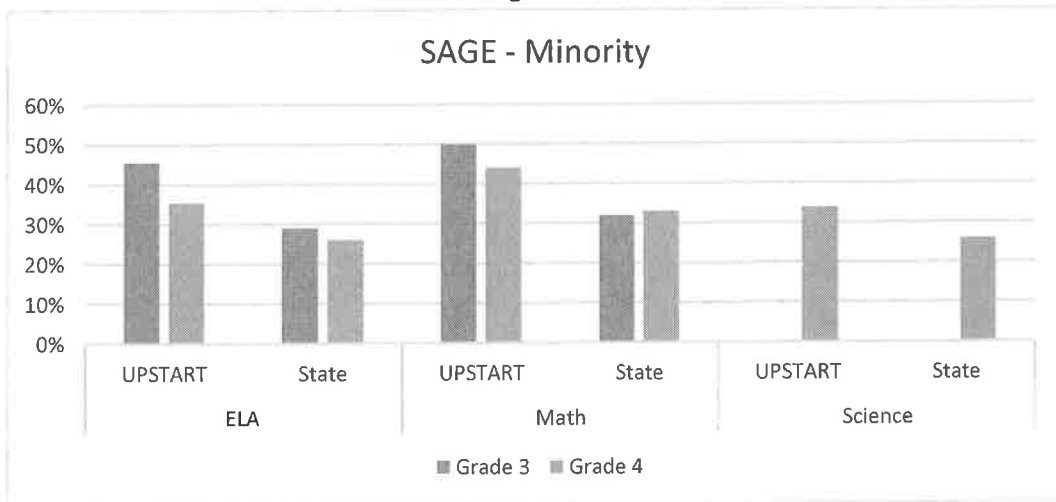
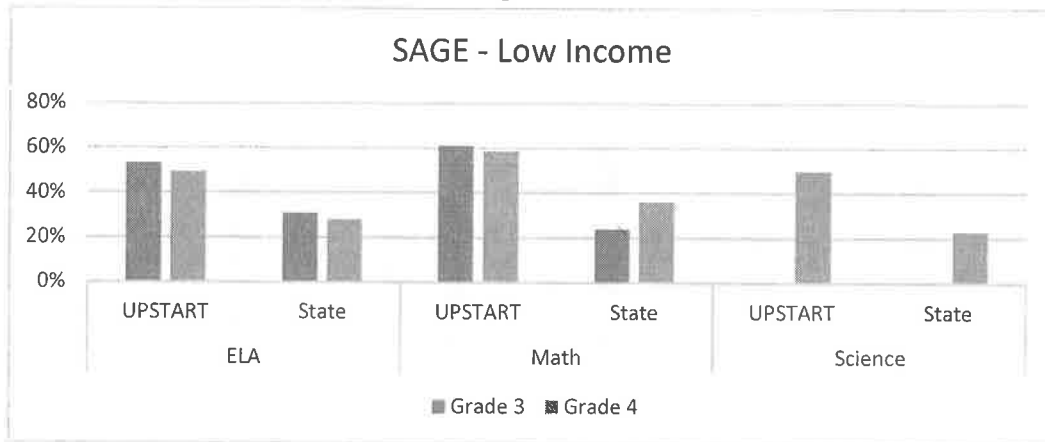


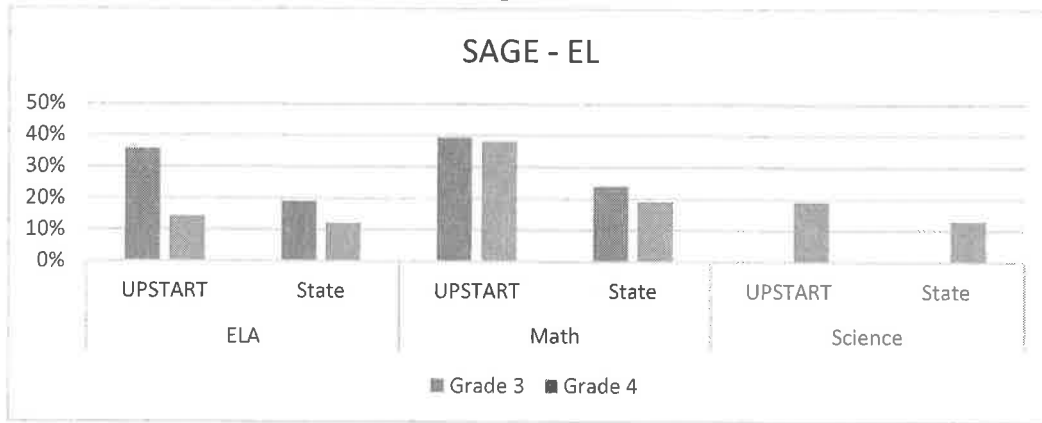
Figure 9



**Figure 10**



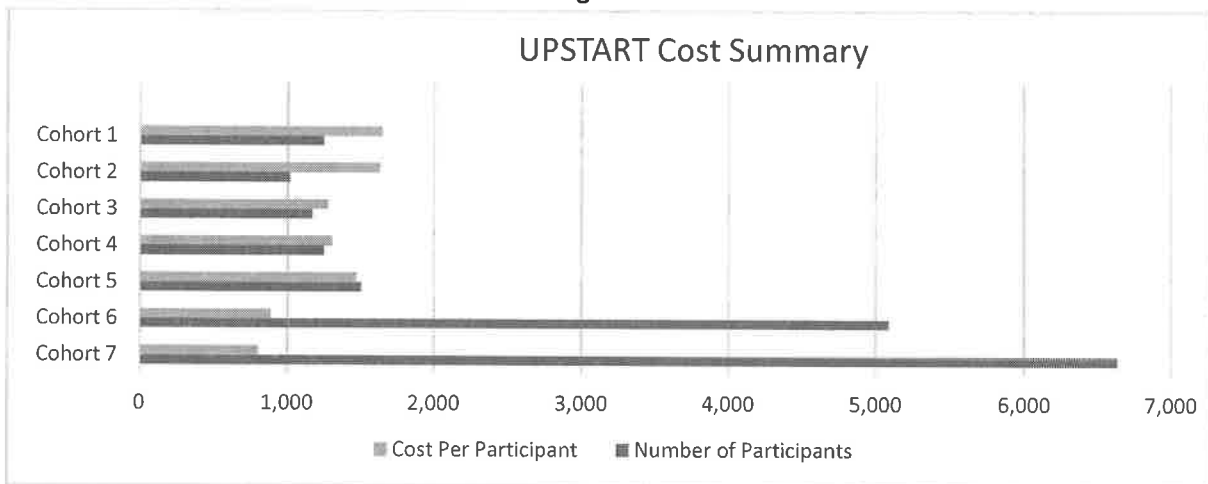
**Figure 11**



## Participant Cost Summary

**Figure 12** represents the per participant cost for each cohort of the UPSTART program since the program's inception. Significant cost savings have occurred over the course of the program. This is primarily due to increased participant ownership of the required technological equipment.

**Figure 12**



## **Preschool and UPSTART**

Approximately five years of data (C2-C6), sort out two variables that determine preschool exposure: a yes/no and approximate number of hours. When ETI cut the data and created a flag for students enrolled in 10 hours or more of preschool per week (a guess at what a minimum number of hours would be to establish a preschool treatment effect) the treatment and control groups showed very minor differences. In addition, the most important take-away, post literacy testing scores were not significantly correlated with either the yes/no preschool or the 10 hours or more. ETI uses measurements of additional preschool exposure to control for factors outside of the UPSTART program that could influence test scores in both groups (treatment and control); however, their research is not designed to measure the effects of additional preschool exposure alone.

## **Conclusion**

The UPSTART program shows continued success at helping preschool age children develop literacy skills and prepare for school. These outcomes would have specific benefits to at-risk children, whose families struggle with poverty and other issues, and often lack the resources to help their children develop the literacy skills needed to succeed in school. The strong program effects support wide-scale implementation across at-risk preschool populations.





# HOUSE BILL 521: Transitional License/Teacher from Other State.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 16, 2019
<b>Introduced by:</b>	Reps. Clemmons, Horn, Riddell, Gailliard	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H521-CSBE-18		Committee Co-Counsel

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**OVERVIEW:** *The 1st edition of House Bill 521 would provide for a one-year provisional license for teachers from other states and authorize local boards of education to determine experience credit for those teachers to pay them at the commensurate level on the State salary schedule for the term of the license. The PCS would make the following changes:*

- Extend the new license to three years instead of one and rename it a transitional license.
- Authorize local boards of education to determine experience credit for the first year of the license.
- Clarify that out-of-state teachers without evidence of effectiveness could earn a continuing professional license (CPL) after three years of teaching in North Carolina.

**CURRENT LAW:** Under G.S. 115C-270.20, a CPL is a five-year renewable license issued to a teacher who has at least three years of licensed teaching experience, and who meets other requirements set by the State Board. An initial professional license (IPL) is a three-year nonrenewable license issued to an individual who has successfully completed a recognized educator preparation program and meets other requirements set by the State Board. G.S. 115C-270.15 requires applicants for an IPL to complete a standardized exam related the licensure content area. Applicants seeking licensure in elementary education and special education general curriculum must also take tests or subtests specific to teaching reading and mathematics. Individuals with an IPL have until the end of their second year of teaching to pass the licensure exams, provided that they have at least attempted the exams during their first year of teaching.

G.S. 115C-270.25 requires teachers with a license from another state to show evidence of their effectiveness as a teacher. Out-of-state teachers that have such evidence can receive a CPL, assuming they have at least three years of licensed teaching experience, but out-of-state teachers without such evidence are only eligible for an IPL, regardless of years of experience.

**BILL ANALYSIS:** The PCS to House Bill 521 would create a transitional license (TL), which would be a three-year nonrenewable license issued to individuals with a current license in good standing in another state. The TL would have to be requested by a local board of education. An individual applying for a TL would not be required to show evidence of effectiveness in order to obtain the license, but the individuals could still apply for a CPL if they had at least three years of licensed teaching experience and evidence of effectiveness. Otherwise, they could convert the TL to a CPL after three years of teaching in North Carolina.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 521

*Page 2*

Additionally, the PCS would authorize local boards of education to determine the experience credit for teachers with a TL during the first year of the license, which determines how much that teacher would be paid with State-allotted funds. The local board of education and the teacher would not be responsible for the repayment of any overpayment of State funds if the experience credit determination was done in good faith and in accordance with State Board guidelines. After the first year of the TL, the State Board would determine the appropriate experience credit and thereby determine the teacher's placement on the State salary schedule, regardless of the pay that the teacher received during the first year of the TL.

**EFFECTIVE DATE:** The PCS would be effective when it becomes law, and would apply beginning with applications for teacher licensure submitted on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 521  
PROPOSED COMMITTEE SUBSTITUTE H521-CSBE-18 [v.4]

04/15/2019 06:57:22 PM

Short Title: Transitional License/Teacher from Other State.

(Public)

Sponsors:

Referred to:

April 1, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR A THREE-YEAR TRANSITIONAL LICENSE FOR  
3 TEACHERS FROM OTHER STATES AND AUTHORIZE LOCAL BOARDS OF  
4 EDUCATION TO DETERMINE EXPERIENCE CREDIT FOR THOSE TEACHERS TO  
5 PAY THEM ON THE COMMENSURATE LEVEL ON THE STATE SALARY  
6 SCHEDULE FOR THE TERM OF THE LICENSE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 115C-270.20(a) reads as rewritten:

9 "(a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the following  
10 classes of teacher licenses, including required levels of preparation for each classification:

11 ...  
12 (7) Transitional license or TL. – A three-year nonrenewable license issued to an  
13 individual who holds current teacher licensure in another state that is in good  
14 standing. A transitional license shall only be requested by a local board of  
15 education. The individual may begin the application process to meet the  
16 requirements for a continuing professional license as an out-of-state applicant  
17 while holding the transitional license.

18 ...."

19 **SECTION 2.** G.S. 115C-270.25 reads as rewritten:

20 **"§ 115C-270.25. Out-of-state license applicants.**

21 Initial applications for a continuing professional license from an individual with an  
22 out-of-state teacher's license shall require the applicant to provide evidence of that teacher's  
23 effectiveness, when available, as measured by the evaluation system used in that applicant's state  
24 of current licensure at the time of application, including any growth measures included in that  
25 evaluation system. Applications that include the evidence of that educator's effectiveness shall  
26 be prioritized for review over initial applications from applicants with out-of-state licenses that  
27 do not include that information. An individual who does not include evidence of that teacher's  
28 effectiveness with the initial application shall only be eligible for ~~an IPL~~ a TL until the teacher  
29 has completed three years of licensed teaching in North Carolina."

30 **SECTION 3.** G.S. 115C-302.1 is amended by adding a new subsection to read:

31 **"(b3) Pay for Teachers with a Transitional License. – Notwithstanding any other provision**  
32 **of law, a local board of education that employs a teacher who is licensed with a three-year**  
33 **transitional license pursuant to G.S. 115C-270.20(a)(7) shall determine experience credit for that**  
34 **teacher for the purposes of paying the teacher with State-allotted funds in accordance with the**  
35 **State salary schedule for teachers during the first year of the license. Notwithstanding subsection**  
36 **(f) of this section, the local board of education and the teacher shall not be responsible for the**



\* H 5 2 1 - C S B E - 1 8 \*

1 repayment of any overpayment of State funds due to misapplication of experience credit for the  
2 State salary schedule when the determination of experience credit was done in good faith based  
3 on the teacher's prior employment record and the guidelines established by the State Board of  
4 Education for awarding experience credit. A teacher paid in accordance with this subsection shall  
5 not be entitled to the same pay on the State salary schedule for teachers for subsequent school  
6 years after the State Board determines the appropriate experience credit for that teacher."

7 **SECTION 4.** G.S. 93B-15.1(i) reads as rewritten:

8 "(i) For the purposes of this section, the State Board of Education shall be considered an  
9 occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V  
10 of Chapter 115C of the General Statutes. In addition to the provisions for licensure provided by  
11 this section, a local board of education may request a three-year transitional license for a military  
12 spouse who holds a current teaching license in another jurisdiction pursuant to  
13 G.S. 115C-270.20(a)(7)."

14 **SECTION 5.** This act is effective when it becomes law and applies beginning with  
15 applications for teacher licensure submitted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 521

Short Title: Provisional License/Teacher from Other State. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 1, 2019

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE FOR A ONE-YEAR PROVISIONAL PROFESSIONAL LICENSE  
FOR TEACHERS FROM OTHER STATES AND AUTHORIZE LOCAL BOARDS OF  
EDUCATION TO DETERMINE EXPERIENCE CREDIT FOR THOSE TEACHERS TO  
PAY THEM ON THE COMMENSURATE LEVEL ON THE STATE SALARY  
SCHEDULE FOR THE TERM OF THE LICENSE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-270.20(a) reads as rewritten:

"(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:

...  
(4a) Provisional professional license. – A one-year nonrenewable license issued to  
an individual who holds current teacher licensure in another state that is in  
good standing. A provisional professional license shall only be requested by  
a local board of education. The individual may begin the application process  
to meet the requirements for a continuing professional license as an  
out-of-state applicant while holding the provisional professional license.

...."

**SECTION 2.** G.S. 115C-270.25 reads as rewritten:

**"§ 115C-270.25. Out-of-state license applicants.**

Initial applications for a continuing professional license 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."

**SECTION 3.** G.S. 115C-302.1 is amended by adding a new subsection to read:

"(b3) Pay for Teachers with a Provisional Professional License. – Notwithstanding any  
other provision of law, a local board of education that employs a teacher who is licensed with a  
one-year provisional professional license pursuant to G.S. 115C-270.20(a)(4a) shall determine  
experience credit for that teacher for the purposes of paying the teacher with State-allotted funds  
in accordance with the State salary schedule for teachers during the term of the license.  
Notwithstanding subsection (f) of this section, the local board of education and the teacher shall



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

1 not be responsible for the repayment of any overpayment of State funds due to misapplication of  
2 experience credit for the State salary schedule when the determination of experience credit was  
3 done in good faith based on the teacher's prior employment record and the guidelines established  
4 by the State Board of Education for awarding experience credit. A teacher paid in accordance  
5 with this subsection shall not be entitled to the same pay on the State salary schedule for teachers  
6 for subsequent school years after the State Board determines the appropriate experience credit  
7 for that teacher when the teacher is issued a continuing professional license."

8 **SECTION 4.** G.S. 93B-15.1(i) reads as rewritten:

9 "(i) For the purposes of this section, the State Board of Education shall be considered an  
10 occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V  
11 of Chapter 115C of the General Statutes. In addition to the provisions for licensure provided by  
12 this section, a local board of education may request a one-year provisional professional license  
13 for a military spouse who holds a current teaching license in another jurisdiction pursuant to  
14 G.S. 115C-270.20(a)(4a)."

15 **SECTION 5.** This act is effective when it becomes law and applies beginning with  
16 applications for teacher licensure submitted on or after that date.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 521

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

H521-ABE-20 [v.4]

Page 1 of 1

Amends Title [YES]  
H521-CSBE-18 [v.4]

Date April 16, 2019

Representative ~~Henson~~ Turner

1 moves to amend the PCS on page 1, line 6, by replacing the word "LICENSE." with the phrase  
2 "LICENSE, AND TO MODIFY THE REQUIREMENTS FOR A LIFETIME LICENSE.";

3  
4 and on page 1, lines 18-19, by inserting the following between the lines:

5  
6 "SECTION 1.2. G.S. 115C-270.20(a)(4) reads as rewritten:

7 "(4) Lifetime license. – A license issued to a teacher after ~~50~~ 30 or more years of  
8 teaching as a licensed teacher that requires no renewal."

9 SECTION 1.4. G.S. 115C-270.20(a)(6) is repealed.

10 SECTION 1.6. G.S. 115C-270.30(b)(3) is repealed."  
11  
12  
13

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED



\* H 5 2 1 - A B E - 2 0 - V - 4 \*





## HOUSE BILL 493: Abuse & Neglect Resources.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 16, 2019
<b>Introduced by:</b>	Reps. White, Horn	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H493-CSTC-15		Committee Counsel

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**OVERVIEW:** *HB 493 would require the State Board of Education to adopt a policy to be implemented by local boards of education, charter schools, and regional schools to annually provide information to students in grades six -12 on child abuse, neglect, and age-appropriate information on sexual abuse, including contact information for reporting abuse and neglect to the department of social services.*

*The PCS would clarify the requirement for the State Board of Education to consult with the Superintendent of Public Instruction in adopting the policy, and would require the policy to apply to all public secondary schools.*

**BILL ANALYSIS:** HB 493 creates a new requirement for the State Board of Education, upon consultation with the Superintendent of Public Instruction, for public secondary schools to provide information to students in grades 6-12 on child abuse and neglect through a document distributed annually and a display posted in each school. The document must include the following:

1. Likely warning signs of abuse or neglect, including age-appropriate information on sexual abuse.
2. The telephone number for reporting abuse and neglect in the department of social services (DSS) for that county.
3. A statement that information reported to DSS is held in strictest confidence to the extent permitted by law.
4. Available resources for school safety reporting, including the anonymous safety tip line application.

**EFFECTIVE DATE:** HB 493 would become effective when it becomes law, and would apply beginning with the 2019-2020 school year.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 493  
PROPOSED COMMITTEE SUBSTITUTE H493-CSTC-15 [v.1]  
04/15/2019 07:21:14 PM

Short Title: Abuse & Neglect Resources.

(Public)

Sponsors:

Referred to:

March 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE PUBLIC SCHOOLS TO PROVIDE STUDENTS WITH  
3 INFORMATION AND RESOURCES ON CHILD ABUSE AND NEGLECT, INCLUDING  
4 SEXUAL ABUSE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-12 is amended by adding a new subdivision to read:

7 "(47) Duty regarding abuse and neglect. The State Board of Education, in  
8 consultation with the Superintendent of Public Instruction, shall adopt a policy  
9 to be implemented by the governing body of each public secondary school, as  
10 defined in G.S. 115C-105.51, to provide students in grades six through 12 with  
11 information on child abuse and neglect, including age-appropriate information  
12 on sexual abuse. Information shall be provided in the form of (i) a document  
13 provided to all students at the beginning of each school year and (ii) a display  
14 posted in visible, high-traffic areas throughout each public secondary school.  
15 The document and display shall include, at a minimum, the following  
16 information:

- 17 a. Likely warning signs indicating that a child may be a victim of abuse  
18 or neglect, including age-appropriate information on sexual abuse.  
19 b. The telephone number used for reporting abuse and neglect to the  
20 department of social services in the county in which the local school  
21 administrative unit is located, in accordance with G.S. 7B-301.  
22 c. A statement that information reported pursuant to sub-subdivision  
23 (47)b. of this section shall be held in the strictest confidence, to the  
24 extent permitted by law, pursuant to G.S. 7B-302(a1).  
25 d. Available resources developed pursuant to G.S. 115C-105.51,  
26 including the anonymous safety tip line application."

27 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
28 the 2019-2020 school year.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 493

Short Title: Abuse & Neglect Resources. (Public)

Sponsors: Representatives White and Horn (Primary Sponsors).

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 28, 2019

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE PUBLIC SCHOOLS TO PROVIDE STUDENTS WITH  
INFORMATION AND RESOURCES ON CHILD ABUSE AND NEGLECT, INCLUDING  
SEXUAL ABUSE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 115C-12 is amended by adding a new subdivision to read:

"(47) Duty regarding abuse and neglect. – Upon consideration and recommendation of the Superintendent of Public Instruction, the State Board of Education shall adopt a policy to be implemented by local boards of education to provide students in grades six through 12 with information on child abuse and neglect, including age-appropriate information on sexual abuse. Information shall be provided in the form of (i) a document provided to all students at the beginning of each school year and (ii) a display posted in visible, high-traffic areas throughout each school in the local school administrative unit. The document and display shall include, at a minimum, the following information:

- a. Likely warning signs indicating that a child may be a victim of abuse or neglect, including age-appropriate information on sexual abuse.
- b. The telephone number used for reporting abuse and neglect to the department of social services in the county in which the local school administrative unit is located, in accordance with G.S. 7B-301.
- c. A statement that information reported pursuant to sub-subdivision (47)b. of this section shall be held in the strictest confidence, to the extent permitted by law, pursuant to G.S. 7B-302(a1).
- d. Available resources developed pursuant to G.S. 115C-105.51, including the anonymous safety tip line application."

**SECTION 1.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

"(a1) Abuse and Neglect Policy. – A charter school shall implement the policy addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 1.(c)** G.S. 115C-238.66 is amended by adding a new subsection to read:

"(7f) Abuse and neglect policy. – A regional school shall implement the policy addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year.







**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 493**

AMENDMENT NO. #1

(to be filled in by  
Principal Clerk)

H493-ATC-24 [v.2]

Page 1 of 2

Amends Title [NO]  
H493-CSTC-15

Date April 16, 2019

Representative

Horn

moves to amend the bill on page 1, line 12, by rewriting that line to read:

"on sexual abuse. This policy shall apply at public secondary schools under the control of the State Board of Education, including schools operated under Article 9C of this Chapter. Information shall be provided in the form of (i) a document";

on page 1, lines 27-28, by rewriting those lines to read:

**"SECTION 2.(a)** G.S. 115C-218.75 is amended by adding a new subsection to read:

**"(e2)** Abuse and Neglect Policy. – A charter school shall implement the policy addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 2.(b)** G.S. 115C-238.66 is amended by adding a new subsection to read:

**"(7f)** Abuse and neglect policy. – A regional school shall implement the policy addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 2.(c)** **G.S. 116-11 reads as rewritten:**

**"(12e)** The Board of Governors shall develop and operate an anonymous tip line in accordance with G.S. 115C-105.51 for all public secondary schools, as defined in that section, operated under the control of the Board of Governors. The Board of Governors shall implement the policy addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the



\* H 4 9 3 - A T C - 2 4 - V - 2 \*



UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE INSPECTOR GENERAL  
WASHINGTON, D.C. 20535

MEMORANDUM FOR THE  
ATTORNEY GENERAL  
FROM THE  
INSPECTOR GENERAL

DATE: 10/1/81

SUBJECT: [Illegible]

RE: [Illegible]

TO: [Illegible]

10/1/81

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 493

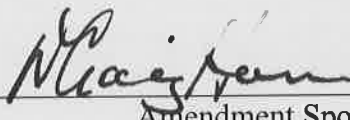
AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

H493-ATC-24 [v.2]

Page 2 of 2

1                    State Board of Education under G.S. 115C-12(47) for all public secondary  
2                    schools under the control of the Board of Governors."  
3                    **SECTION 2.(d)** Section 6.(d) of S.L. 2018-32 is amended by adding a new  
4 subdivision to read:  
5                    "(a1) G.S. 115C-12(47) [Duty regarding abuse and neglect]."  
6                    **SECTION 3.** This act is effective when it becomes law and applies beginning with  
7 the 2019-2020 school year."

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED





**House Committee on Education - K-12**  
**Tuesday, April 30, 2019 at 1:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 1:00 PM on April 30, 2019 in Room 643 of the Legislative Office Building. Representatives Jeffrey Elmore, Craig Horn, Hugh Blackwell, Cecil Brockman, Cynthia Ball, Chaz Beasley, Mark Brody, Ashton Clemmons, Kevin Corbin, Susan Fisher, John Fraley, Charles Graham, Cody Henson, Frank Iler, Marvin Lucas, Graig Meyer, Larry Potts, Dennis Riddell, Kandie Smith, Larry Strickland, Rena Turner, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 1:11 PM and recognized the pages and introduced the Sergeant-At-Arms who would be assisting with the committee. Copies of the attendance and visitor registration are attached to these minutes (Attachments 1-4)

The following bills were considered:

**HB 714, Competency-Based Assessments.** (Primary Sponsors: Representatives Horn and Blackwell), (Attachments 5-6)

Representative Elmore recognized Representative Horn to explain the bill. The bill would direct the State Board of Education (SBE) to recommend how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State.

Representative Graham asked what some of the successes are related to competency-based assessments.

Representative Corbin was recognized for a motion to receive a favorable report for HB 714 with a referral to Rules. Representative Elmore asked for a vote and the motion passed.

**HB 798, Low-Performing Schools.** (Primary Sponsors: Representatives Elmore, Bell, and Brockman), (Attachments 7-8)

Representative Horn recognized Representative Elmore to explain the bill. The bill would change the selection process for schools in the Innovative School District (ISD), make additional changes to the ISD statutes, require additional reporting by local boards of education to county commissioners on the academic performance of certain schools, and require additional study on changes to the ISD and statutes related to low-performing schools.

Representative Horn stated there was an amendment by Representative Meyer, H798-ATC-29 [v.2], (Attachment 9) and recognized Representative Meyer to explain the amendment. Representative Meyer requested staff explain the three different watch lists before he explained his amendment. Representative Meyer stated that his amendment requires the ISD superintendent



or designee to go to a public meeting with every school that is put on one of these lists. Representative Horn asked for questions to the amendment. Representative Graham commented that he was very supportive of the amendment. Representative Brody asked about the effect of the amendment. Representative Horn asked for a vote, the amendment passes.

The bill, as amended, was back before the committee. Representative Smith asked a question concerning the five lowest schools and if they are not D or F rated but B rated schools, do they still have to go into ISD. Representative Smith further asked if they had a C or above, would they still be mandated to go into the ISDs. Representative Beasley had a question about the new definition of a qualifying school and if this definition was currently in place, could you quantify how many schools would become a qualifying school and how that number compares to how many schools are qualifying schools under the current law.

Representative Horn recognized LaTeesa Allen, the NC Innovative School District Superintendent to speak.

Representative Beasley commented that he found it problematic that we can't nail down a number of how many schools would actually fall under this new definition of qualifying school. Representative Smith asked once the school is taken over, what is the time period for them to move out of the ISD back to the regular. Representative Smith also asked about the five year period, regardless of how well the school is doing. Representative Graham asked once we identify these schools and place them on the watch list, what are we doing to assist these schools and what is in place to provide resources.

Representative Potts was recognized for a motion for a favorable report to the bill as amended, rolled into a PCS, with a favorable report to the committee substitute and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

**HB 895, Opportunity Gap Task Force.** (Representatives Blackwell, Brockman, Horn, and Meyer), (Attachments 10-11)

Representative Horn announced there was a PCS for **HB 895, Opportunity Gap Task Force.** (Attachment 12) There was no objection to the PCS. Representative Horn recognized Representative Blackwell to explain the bill. The bill would establish the Opportunity Gap Task Force. The PCS would remove the Executive Director of NC Child as a member, and instead require that the Executive Director of the NC Association for Public Charter Schools be a member of the Task Force. The PCS would require the Task Force to consider the effective access to and use of technology, including (i) connectivity for students and their families, (ii) devices, and (iii) software. The PCS would further require the Task Force to extend invitations to receive input from (i) the Executive Director of NC Child and (II) The President of Parents for Educational Freedom in North Carolina and change the submission deadline of the final report of the Task Force from September 1, 2020, to December 1, 2020, and provide that the Task Force terminates on December 1, 2020, rather than September 1, 2020.



Representative Horn stated there was an amendment by Representative Blackwell, H895-ABN-38 [v.2], (Attachment 13) and recognized Representative Blackwell to explain the amendment. Representative Blackwell stated the amendment was technical. Representative Horn asked for questions to the amendment and hearing none, asked for a vote, the amendment passes.

Representative Graham stated he supports the bill and mentioned the underlying issue of poverty in our rural eastern NC communities.

Representative Horn was recognized for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

**HB 933, Study Career/College Readiness.** (Representatives Blackwell, Clemmons, Horn, and Hardister), (Attachments 14-15)

Representative Horn announced there was a PCS for **HB 933, Study Career/College Readiness.** (Attachment 16) There was no objection to the PCS. Representative Horn recognized Representative Blackwell to explain the bill. The bill would establish a study committee to consider the inclusion of career and college readiness coursework in the calculation of school performance grades for high schools. The PCS would expand the scope of the study committee to also include a review of how career and college readiness skills should be taught and evaluated in North Carolina public schools.

Representative Corbin was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

**HB 924, Teacher Contract Changes.** (Representatives D. Hall and Horn), (Attachments 17-18)

Representative Horn announced there was a PCS for **HB 924, Teacher Contract Changes.** (Attachment 19) There was no objection to the PCS. Representative Horn recognized Representative D. Hall to explain the bill. The bill clarifies how much time a teacher must have already worked for a local board of education in order to be eligible for an extended employment contract. The PCS makes technical changes and conforms the language to the terms used in the existing statute.

Representative Clemmons decided to hold her amendment but wanted to speak to the content of the amendment. Representative Meyer had a concern about how the 120 day provision would impact the NC Teacher of the Year and anyone who takes leave to provide service to their professional organization. Representative Lucas mentioned a technical glitch in the bill summary.

Representative Ball was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.



**HB 859, Classroom Supplies to Teachers.** (Primary Sponsors: Representatives Saine and Elmore), (Attachments 20-21)

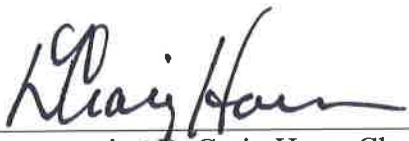
Representative Horn announced there was a PCS for **HB 859, Classroom Supplies to Teachers.** (Attachment 22) There was no objection to the PCS. Representative Horn recognized Representative Saine to explain the bill. The bill would require a portion of funds from the Classroom Materials/Instructional Supplies/Equipment allotment be used for the North Carolina Classroom Supply Program to provide classroom teachers an allotment of \$400 to be used to supplement classroom materials and supplies. The PCS would replace the requirements of the 1<sup>st</sup> edition with a new Teacher Directed Classroom Supplies Allotment of \$15 million to provide classroom teachers with \$145 through a classroom teacher electronic account for materials and supplies to supplement supplies otherwise available to the teachers. DPI would establish categories of purchases to allow comparisons to purchases from the Classroom Materials/Instructional Supplies/Equipment allotment and report those comparisons to various committees of the General Assembly.

The bill is for discussion only – no vote.

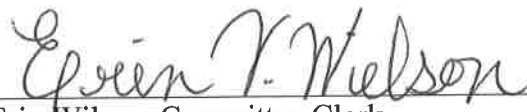
Representative Saine recognized Jamie Rosenberg, CEO of ClassWallet to give his presentation.

Representative Clemmons had a question about the stores and schools having some jurisdiction over purchases. Representative Lucas asked about administrators reserving the right to reject ClassWallet purchases and if there is an appellate process or form of justification. Representative Riddell asked how long has this product been available, how many states are using it currently, and has any state that has used it walked away from it. Representative Meyer asked how ClassWallet made money since it was no cost to the state. Representative Meyer mentioned the criticism of this program from teachers and asked the bill sponsors what they have heard from teachers. Representative Meyer commented that it is probably not accurate that this program does not come at no cost to the state and the criticism of the mechanism that he is heard from teachers is that this is asking them to do their own shopping.

The meeting adjourned at 2:27 PM.



Representative D. Craig Horn, Chair  
Presiding



Erin Wilson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms and Pages
4. Visitor Registration

W. H. H. H.



5. HB 714 Summary
6. HB 714 Edition 1
7. HB 798 Summary
8. HB 798 Edition 1
9. Amendment H798-ATC-29 [v.2]
10. HB 895 Summary
11. HB 895 Edition 1
12. PCS H895-CSBN-14 [v.7]
13. Amendment H895-ABN-38 [v.2]
14. HB 933 Summary
15. HB 933 Edition 1
16. PCS H933-CSBE-22 [v.4]
17. HB 924 Summary
18. HB 924 Edition 1
19. PCS H924-CSRQ-10 [v.5]
20. HB 859 Summary
21. HB 859 Edition 1
22. PCS H859-CSTC-21 [v.5]



**House Committee on Education - K-12**  
**Tuesday, April 30, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

Representative Horn, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 714	Competency-Based Assessments.	Representative Horn Representative Blackwell
HB 798	Low-Performing Schools.	Representative Elmore Representative Bell Representative Brockman
HB 859	Classroom Supplies to Teachers.	Representative Saine Representative Elmore
HB 895	Opportunity Gap Task Force.	Representative Blackwell Representative Brockman Representative Horn Representative Meyer Representative D. Hall
HB 924	Teacher Contract Changes.	Representative Horn Representative Blackwell Representative Clemmons
HB 933	Study Career/Coll. Read. in Perf. Grades.	Representative Horn Representative Hardister



Updated #1: Remove H723

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, April 30, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn will preside.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 714</u>	Competency-Based Assessments.	Representative Horn
		Representative Blackwell
<u>HB 798</u>	Low-Performing Schools.	Representative Elmore
		Representative Bell
		Representative Brockman
<u>HB 859</u>	Classroom Supplies to Teachers.	Representative Saine
		Representative Elmore
<u>HB 895</u>	Opportunity Gap Task Force.	Representative Blackwell
		Representative Brockman
		Representative Horn
		Representative Meyer
<u>HB 924</u>	Teacher Contract Changes.	Representative D. Hall
		Representative Horn
<u>HB 933</u>	Study Career/Coll. Read. in Perf. Grades.	Representative Blackwell
		Representative Clemmons
		Representative Horn
		Representative Hardister



Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 6:58 PM on Monday, April 29, 2019.

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

Erin Wilson (Committee Assistant)





**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, April 30, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn will preside.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 714</u>	Competency-Based Assessments.	Representative Horn Representative Blackwell
<u>HB 723</u>	Math or Science Credit for Computer Science.	Representative Horn Representative Saine Representative Hardister
<u>HB 798</u>	Low-Performing Schools.	Representative Elmore Representative Bell Representative Brockman
<u>HB 859</u>	Classroom Supplies to Teachers.	Representative Saine Representative Elmore
<u>HB 895</u>	Opportunity Gap Task Force.	Representative Blackwell Representative Brockman Representative Horn Representative Meyer
<u>HB 924</u>	Teacher Contract Changes.	Representative D. Hall Representative Horn
<u>HB 933</u>	Study Career/Coll. Read. in Perf. Grades.	Representative Blackwell Representative Clemmons Representative Horn Representative Hardister



Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:48 AM on Thursday, April 25, 2019.

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

Erin Wilson (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 714**

Competency-Based Assessments.

Draft Number: None

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Horn

TOTAL REPORTED: 1



\* C M R 3 5 1 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB 798	Low-Performing Schools.
	Draft Number: H798-PCS40441-TC-22
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Elmore
HB 895	Opportunity Gap Task Force.
	Draft Number: H895-PCS10616-BN-14
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Blackwell
HB 924	Teacher Contract Changes.
	Draft Number: H924-PCS10619-RQ-10
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: D. Hall
HB 933	Study Career/Coll. Read. in Perf. Grades.
	Draft Number: H933-PCS10614-BE-22
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: Yes
	Floor Manager: Blackwell

TOTAL REPORTED: 4



\* C M R 3 5 7 - V - 1 \*





# ATTENDANCE

## House Education-K-12 Committee

2019 Long Session

DATES																			
	4/30																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	-																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	-																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	-																		
Rep. Rosa Gill	-																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	-																		
Rep. Cody Henson	✓																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		
Rep. Larry Potts	✓																		



DATES																	
	4/30																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Rena Turner	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	

Rep. Saine  
Rep. Harbo

✓  
✓



Committee Sergeants at Arms

**NAME OF COMMITTEE** House Committee Education K-12.

**DATE:** 04/30/2019 **Room:** 643 LOB

House Sgt-At Arms:

1. **Name:** Terry McCraw
2. **Name:** Jim Moran
3. **Name:** Thomas Terry
4. **Name:** \_\_\_\_\_
5. **Name:** \_\_\_\_\_

Senate Sgt-At Arms:

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



**House Pages  
Assignments  
Tuesday, April 30, 2019  
Session: 9:30 AM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Regulatory Reform	1228/1327	11:00 AM	Gerald Blohm		Rep. John Fraley
Judiciary I	643	11:30 AM	Jacob Dillman		Rep. Cecil Brockman
			Bronwyn McVeigh		Rep. James L. Boles, Jr.
Commerce and Job Development	1228/1327	12:00 PM	Ethan Brooks		Speaker Tim Moore
Education - K-12	643	1:00 PM	Ethan Brooks		Speaker Tim Moore
			Mya Hernandez		Rep. Tim Moore
Environment	1228/1327	1:00 PM	Jesse Ellis		Speaker Tim Moore
			Rowan Marquez		Speaker Tim Moore





# VISITOR REGISTRATION SHEET

House Committee Education K-12

04/30/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lateesa Allen	NC DPI
herttigan	TAG
Chloe	830E
Leanne Nunn	NCSBP
K. Maxey-Moore	NC DPI
A. Humphries	# Opt Out <del>NC</del> NCAE
Angie Faison	Republican Group - Wake County
Jessie Butcher	Liberty First Grassroots + 15
Linda Hubbard	
Andrew Meehan	NC Chamber
Leah Sutton	Best NC



# VISITOR REGISTRATION SHEET

House Committee Education K-12

04/30/2019

Name of Committee

Date

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Rhaegan Jackson	FPA
Jeff Parkinson	Parkinson Law
Paula Blawie	PB Law
Dory Miskew	PSG
Jamie Rosenberg	ClassWall et
Christy Hovanetz	Foundation for Excellence in Education
Ryan Mahoney	Foundation for Excellence in Education
Martez Hill	Smile
Kevin Wilkins	NCDPI
Wade Butler	NCDPI
Edna Wallace	RTI



## VISITOR REGISTRATION SHEET

House Committee Education K-12

04/30/2019

Name of Committee

Date \_\_\_\_\_

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FIRM OR AGENCY AND ADDRESS

Dodie Renfer

Nelson Mullins

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SENAC

Andi Noemaka

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## VISITOR REGISTRATION SHEET

House Committee Education K-12

04/30/2019

Name of Committee

Date \_\_\_\_\_

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NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Zane Stowell

TSG

Tom West

NICK

Bruce Milder

NCSB

Adam Pruden

NCKE







## HOUSE BILL 714: Competency-Based Assessments.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 30, 2019
<b>Introduced by:</b>	Reps. Horn, Blackwell	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** *House Bill 714 directs the State Board of Education (SBE) to recommend how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State.*

**BILL ANALYSIS:** House Bill 714 directs the SBE to determine and analyze how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State. The SBE must recommend transition steps that accomplish the following competency-based objectives:

- Students advance upon mastery.
- Competencies are broken down into explicit and measurable learning objectives.
- Meaningful assessments that accomplish the goals of the statewide testing program for measuring student achievement and student growth that also comply with federal fund conditions.
- Students receive differentiated support based on their learning needs.
- Learning outcomes emphasize competencies that include the application and creation of knowledge.

The SBE must examine (i) competency-based assessments in other states; (ii) the relationship between competency-based assessments and innovative teaching methods used in North Carolina schools; and (iii) any other considerations that the Board deems relevant to transitioning to a competency-based assessment and teaching model.

The SBE must report to the Joint Legislative Education Oversight Committee by May 15, 2020, on its analysis and recommended transition steps.

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

**BACKGROUND:** Section 8.12 of S.L. 2015-241 stated that it was the intent of the General Assembly to transition to a system of competency-based learning assessments to measure student performance and growth whenever practicable. The SBE was encouraged to evaluate the feasibility of integrating competency-based assessments for use in local school administrative units and as a part of the statewide testing program for measuring student performance and student growth.

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.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 714

Short Title: Competency-Based Assessments. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 15, 2019

A BILL TO BE ENTITLED  
AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO RECOMMEND STEPS  
NECESSARY TO TRANSITION TO A COMPETENCY-BASED ASSESSMENT AND  
TEACHING MODEL FOR ALL ELEMENTARY AND SECONDARY STUDENTS IN  
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** Pursuant to the intent of the General Assembly expressed in Section 8.12 of Session Law 2015-241, the State Board of Education shall determine and analyze the steps necessary to transition to a competency-based assessment and teaching model for all elementary and secondary students. Based on its analysis, the State Board shall recommend transition steps that accomplish the following competency-based objectives:

- (1) Students advance upon mastery.
- (2) Competencies are broken down into explicit and measurable learning objectives.
- (3) Assessment is meaningful for students, accomplishes the goals of the statewide testing program for measuring student achievement and student growth, and complies with the conditions of federal grant funds.
- (4) Students receive differentiated support based on their learning needs.
- (5) Learning outcomes emphasize competencies that include the application and creation of knowledge.

In conducting its analysis, the State Board shall examine (i) competency-based assessments in other states, including potential benefits and obstacles to implementing similar systems in North Carolina, (ii) the relationship between competency-based assessments and innovative teaching methods utilized in North Carolina schools, and (iii) any other considerations the Board deems relevant to transitioning to a competency-based assessment and teaching model. No later than May 15, 2020, the State Board shall submit a report of its analysis and recommended transition steps to the Joint Legislative Education Oversight Committee.

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







## HOUSE BILL 798: Low-Performing Schools.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer. to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 30, 2019
<b>Introduced by:</b>	Reps. Elmore, Bell, Brockman	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** HB 798 would change the selection process for schools in the Innovative School District (ISD), make additional changes to the ISD statutes, require additional reporting by local boards of education to county commissioners on the academic performance of certain schools, and require additional study on changes to the ISD and statutes related to low-performing schools.

**CURRENT LAW:** Article 7A of the Chapter 115C establishes the Innovative School District (ISD). Schools are selected by the State Board of Education (SBE) to be supervised in the ISD if they meet qualifying criteria and are recommended by the ISD Superintendent. To qualify, the school must be a low-performing school that meets one of the following criteria:

- a) The school earned an overall school performance grade in the lowest 5% of all schools in the prior school year that:
  1. Served students in grades kindergarten through fifth (K-5).
  2. Did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years, and
  3. Was not using a continually low-performing school reform model.
- b) The school (i) received a school performance score in the lowest ten percent (10%) of all schools in the prior school year that include all or part of grades kindergarten through fifth and (ii) was designated by the local board of education (LBE) for consideration by the SBE as an innovative school.

Once selected, a LBE may either transfer the school to the ISD or close the school. The SBE may select up to 5 schools statewide to include in the ISD. Once transferred to the ISD, the school becomes an innovative school. The SBE must select an innovative school operator (IS operator), an entity that meets certain criteria related to improving student performance, to operate the school for a period of 5 years. If no IS operator can be found, the ISD may serve as the operator.

LBEs with schools transferred to the ISD may request to create an innovation zone that may include up to 3 continually low-performing schools or all low-performing schools if that is more than 35% of the unit. Low-performing schools in innovation zones become an innovative school if the school does not exceed expected growth in the last 2 of the 5 consecutive years in the innovation zone.

**BILL ANALYSIS:** HB 798 would make the following changes to the ISD:

- **Definition of Qualifying School:** Replace the current definition for a qualifying school with a requirement that the school meet at least one of the following criteria in the school year prior to identification:

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 798

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- A Title I school in the lowest performing 5% of school performance grades of all Title I schools.
- A school serving students in grades nine through 12 that failed to graduate one third or more of its students.
- A school identified by the State Board of Education as being in need of comprehensive support and improvement under the federal Elementary and Secondary Education Act of 1965, due to at least one consistently underperforming subgroup.
- **Selection from 2019-2020 to 2022-2023:** Require, for each year from 2019-2020 through 2022-2023, that the SBE select the lowest scoring school, based on the school performance score, in the State to become an innovative school.
- **Selection Process Beginning with 2023-2024:** Beginning with selection of schools for the 2023-2024 school year, require the SBE to select innovative schools as follows:
  - **Lists:** Schools would be placed on 3 lists before being transferred into the ISD.
    - **Year 1 - Qualifying List:** Notice would be given to the local board of the status, along with considerations for improvement.
    - **Year 2 – Watch List:** If the school was on the qualifying list the year before, and still meets the definition of a qualifying school, the school would be moved to a watch list. Notice and considerations for improvement would be provided, and the LBE would hold a public hearing to share information with parents and employees about potential impacts of the designation and plans for improvement of the school.
    - **Year 3 - Warning List:** If the school was on the watch list in the prior year, and still meets the definition of a qualifying school, the school would be moved to a warning list. Notice and considerations for improvement would be provided, and the LBE would hold a public hearing to share information with parents and employees about potential impacts of the designation, including the possibility of becoming an innovative school, and plans for improvement of the school. The LBE would also present information at a public meeting to the county commissioners on the school's performance and efforts by the LBE to improve the school's performance. The ISD Superintendent would be provided the opportunity to present as part of that meeting.
    - **Year 4 – Selection:** If the school (i) was on the warning list in the prior year, and still meets the definition of a qualifying school, and (ii) is one of the lowest 5 qualifying schools, as measured by school performance scores, on the ISD warning list, the SBE must select the school to transfer to the ISD.
    - **Voluntary Selection:** A LBE, upon the recommendation of the ISD Superintendent, could request the SBE to select a qualifying school for transfer to the ISD at any time.
  - **Support:** Throughout all 3 years, the SBE would be required to ensure that qualifying schools are engaged in strategies in compliance with federal and State law for comprehensive support and improvement, and the ISD Superintendent would be required to monitor those schools and assist LBEs in identifying funding, strategies, and partners for comprehensive support and improvement efforts.
- **IS Consultants:** The SBE would be authorized to select innovative school consultants (IS consultants), upon the recommendation of the ISD Superintendent, to provide assistance and support through consultation with an innovative school. IS consultants would meet the same selection criteria as IS operators. The SBE could determine, based on the needs of the school, whether to assign an IS operator to fully operate the school, or an IS consultant. If an IS consultant

# House Bill 798

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were assigned, the LBE would continue to operate the school, but must meet the requirements of the ISD Superintendent and IS consultant for a 5 year period. An innovative school that failed to meet those requirements would be assigned an IS operator.

- **Innovation Zones:** The following changes would be made:
  - Would enable the LBE to move low-performing schools into an innovation zone, even if it had less than 35% low-performing schools.
  - Would compare innovation zone schools against other low-performing (rather than continually low-performing) schools for performance comparisons.
  - Would require consultation with the ISD Superintendent in selecting the leader of the innovation zone office.
  - Would delete the requirement that a low-performing school in an innovation zone that did not exceed growth in the final 2 years of the zone become an innovative school.
- **Additional ISD Changes:**
  - The prohibition on DPI serving as an IS operator, except when no IS operator was available, would be removed.
  - The SBE could select up to 5 qualifying schools annually into the ISD, rather than 5 total.
  - The timeline for selection of innovative operators or consultants would be moved from January 15 to December 15, and pairing with an innovative school from February 15 to January 15.
  - Would change one method of qualification for IS operators or consultants from a record of performance with persistently low-performing schools or students, to a record of performance with low-performing schools or students.
  - Would require the IS operator to collaborate with the ISD Superintendent on certain matters, such as hiring or removal of the school principal, and entering into funding memorandums of understanding.
  - Would allow, if a LBE of another school unit was selected as an operator, the employees to become employees of that LBE, rather than the ISD.
  - Would allow a teacher at a school selected to be an innovative school to retain career status if the teacher taught at the ISD school and then returned to the same LBE at the end of the ISD employment.
- **County Commissioner Reporting Changes:** LBEs, when submitting the annual budget request to the county commissioners, would be required to also submit the academic performance of schools in the local school administrative unit, including school performance grades, of all schools identified as low-performing, continually low-performing, or includes on an ISD list, and the LBE's efforts to improve those schools. If requested, the LBE would present the academic performance information at a public meeting.
- **Additional Studies.** – The State Superintendent and ISD Superintendent would jointly study and report to the Joint Legislative Education Oversight Committee, by March 15, 2020, on the following:
  - Options for innovative schools, including structures and partnerships to provide the most effective options and ensure flexibility for those schools.
  - Reforms of low-performing school models to align current statutory requirements for low-performing and continually low-performing schools with other State and federal reform efforts to create a comprehensive and efficient approach that avoids redundancies.

**EFFECTIVE DATE:** HB 798 would become effective when it becomes law, and, except as otherwise provided, apply to schools based on data from the 2018-2019 school year as qualifying schools for the 2019-2020 school year.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 798

Short Title: Low-Performing Schools. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

A BILL TO BE ENTITLED  
AN ACT TO ALIGN THE SELECTION OF INNOVATIVE SCHOOLS WITH THOSE  
IDENTIFIED BY THE STATE BOARD OF EDUCATION FOR COMPREHENSIVE  
SUPPORT AND IMPROVEMENT, TO EXPAND OPTIONS FOR THE INNOVATIVE  
SCHOOL DISTRICT TO REQUIRE LOCAL BOARDS OF EDUCATION TO INFORM  
BOARDS OF COUNTY COMMISSIONERS OF ACADEMIC PROGRESS ANNUALLY,  
AND TO REQUIRE FURTHER STUDY OF REFORMS FOR ASSISTANCE TO  
LOW-PERFORMING SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 7A of Chapter 115C of the General Statutes reads as rewritten:  
"Article 7A.

"North Carolina Innovative School District and Innovation Zones.

**"§ 115C-75.5. Definitions.**

The following definitions apply in this Article:

- (1) Innovative school. – A qualifying school selected by the State Board of Education under the supervision of the North Carolina Innovative School District.
- (2) Innovative school consultant or IS consultant. – An entity selected by the State Board of Education, upon the recommendation of the ISD Superintendent, to provide assistance and support through consultation with an innovative school.
- (3) Innovative school operator or IS operator. – An entity selected by the State Board of Education upon the recommendation of the ISD Superintendent to operate an innovative school. ~~Except as otherwise provided in this Article, the Department of Public Instruction may not be selected as an IS operator.~~
- (4) ISD Superintendent. – The superintendent of the ISD appointed by the Superintendent of Public Instruction in accordance with G.S. 115C-75.6.
- (4a) North Carolina Innovative School District or ISD. – The statewide school unit established pursuant to this Article.
- (5) ~~Qualifying school. – A low-performing school, as defined in G.S. 115C-105.37, that meets one of the following criteria:~~
  - a. ~~The school earned an overall school performance score in the lowest five percent (5%) of all schools in the prior school year that meet all of the following requirements:~~



1. The school includes all or part of grades kindergarten through fifth.
  2. The school did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years.
  3. One of the models established in G.S. 115C-105.37B for continually low performing schools had not been adopted for that school for the immediately prior school year.
- b. The school received a school performance score in the lowest ten percent (10%) of all schools that include all or part of grades kindergarten through fifth in the prior school year and has been designated by the local board of education for consideration by the State Board of Education as an innovative school.

A school meeting at least one of the following criteria based on performance in the school year prior to identification:

- a. A Title I school in the lowest-performing five percent (5%) of school performance grades of all Title I schools. For the purposes of this sub-subdivision, a Title I school is a school identified under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended.
- b. A school serving students in grades nine through 12 that failed to graduate one-third or more of its students.
- c. A school identified by the State Board of Education as being in need of comprehensive support and improvement under 20 U.S.C. § 6311 (c)(4)(D)(i)(III) due to at least one consistently underperforming subgroup.

...

#### **"§ 115C-75.7. Selection of innovative schools.**

(a) State Board Selection. – The State Board of Education is authorized to select, upon the recommendation of the ISD Superintendent, shall select no more than five qualifying elementary schools annually to transfer to the ISD as innovative schools, schools, in accordance with this section. The five qualifying schools selected for inclusion in the ISD should represent geographic diversity, including urban and rural schools. The State Board of Education shall select no more than one qualifying school per local school administrative unit, unless the local board of education consents.

(b) Selection-Evaluation Process. – The selection of qualifying innovative schools shall be based on an analysis and evaluation of performance over the most recent of qualifying schools over a three-year period, period as follows: Prior to recommendation of selection of a qualifying school, the ISD Superintendent shall conduct an evaluation of the school to determine the factors contributing to the school's performance and shall confer with the school principal, local board of education members, the local school superintendent, and the local board of county commissioners to share the findings of the evaluation. The school selection process shall also include a public hearing to allow for parent and community input. The ISD Superintendent shall evaluate and identify the qualifying schools to recommend for selection as prospective innovative schools no later than October 15 prior to the initial school year in which the school may operate as an innovative school and shall notify the local boards of education where prospective innovative schools are located by that date. The State Board of Education shall select the prospective innovative schools no later than December 15.

- (1) Qualifying list. – In the first school year after a school has been identified as a qualifying school, the school shall be placed on the ISD qualifying list. By November 15, the ISD Superintendent shall notify the superintendent and

1 local board of education of that school's status and provide that school's  
2 performance data, considerations for improvement, and any additional  
3 information deemed necessary by the ISD Superintendent.

4 (2) Watch list. – If a school that was on the qualifying list in the prior school year  
5 remains a qualifying school in the next school year, the school shall be placed  
6 on the ISD watch list. By November 15, the ISD Superintendent shall notify  
7 the superintendent and local board of education of that school's status and  
8 provide that school's performance data, considerations for improvement, and  
9 any additional information deemed necessary by the ISD Superintendent. The  
10 local board of education shall hold a public hearing with a minimum of 10  
11 days' notice. The local board of education shall provide direct notice of the  
12 public hearing to the following assigned to that school: (i) parents of students  
13 and (ii) employees. At the public hearing, the local board of education shall  
14 share potential impacts of the designation, plans for improvement of the  
15 school, and any additional information deemed necessary by the ISD  
16 Superintendent. The local board of education shall submit a copy of the notice  
17 and a transcript of the public hearing to the ISD Superintendent within 60 days  
18 after the hearing.

19 (3) Warning list. – If a school that was on the watch list in the prior school year  
20 remains a qualifying school in the next school year, the school shall be placed  
21 on the ISD warning list. By November 15, the ISD Superintendent shall notify  
22 the superintendent and local board of education of that school's status and  
23 provide that school's performance data, considerations for improvement, and  
24 any additional information deemed necessary by the ISD Superintendent. The  
25 local board of education shall do the following:

26 a. Hold a public hearing with a minimum of 10 days' notice. The local  
27 board of education shall provide direct notice of the public hearing to  
28 the following assigned to that school: (i) parents of students and (ii)  
29 employees. At the public hearing, the local board of education shall  
30 share potential impacts of the designation, including the consequence  
31 of becoming an innovative school if the school remains a qualifying  
32 school, plans for improvement of the school, and any additional  
33 information deemed necessary by the ISD Superintendent. The local  
34 board of education shall provide notice of the public hearing to the ISD  
35 Superintendent 10 days prior to the hearing and provide the  
36 opportunity to the Superintendent to present at the public hearing. The  
37 local board of education shall submit a transcript of the public hearing  
38 to the ISD Superintendent within 60 days after the hearing.

39 b. Present information at a public meeting to the board of commissioners  
40 of the county in which the local school administrative unit is located  
41 on the school's performance while on an ISD list and efforts by the  
42 local board of education to improve the school's performance. The  
43 local board of education shall provide notice of the public meeting at  
44 which the presentation will occur to the ISD Superintendent 10 days  
45 prior to the meeting and provide the opportunity to the Superintendent  
46 to present as part of the presentation at the public meeting.

47 (b1) Support Process. – The State Board of Education shall ensure that qualifying schools  
48 identified for any ISD list are engaged in strategies in compliance with federal and State law for  
49 comprehensive support and improvement. The ISD Superintendent shall monitor those schools  
50 and assist local boards of education in identifying funding, strategies, and partners for  
51 comprehensive support and improvement efforts.



(b2) Voluntary Selection. – A local board of education, upon the recommendation of the ISD Superintendent, may request that the State Board of Education select a qualifying school under the control of that local board as an innovative school at any time.

(c) Local Board Response. Selection Process. – Upon notification by the ISD Superintendent of selection by the State Board of Education of the qualifying school as a prospective innovative school, the local board of education shall determine whether to (i) close the selected qualifying school or (ii) transfer the school into the ISD. The local board shall not be required to undertake the study required by G.S. 115C-72 before closing the school. Before the adoption of a resolution, the local board of education shall provide for a public hearing in regard to the proposed transfer or closure, at which hearing the public shall be afforded an opportunity to express their views. No later than February 1, the local board of education shall adopt a resolution either (i) consenting to transfer of the selected qualifying school to the ISD as an innovative school or (ii) closing that school at the conclusion of that school year. The State Board of Education may delay the transfer of a selected school to the ISD for one year only upon the recommendation of the ISD Superintendent. If a school (i) remains a qualifying school in the school year following the year the school was placed on the ISD warning list and (ii) is one of the lowest five qualifying schools, as measured by school performance scores, on the ISD warning list, the school shall be selected by the State Board as an innovative school beginning with the next school year.

(d) Public Notification. – The list of ~~qualifying schools~~ on the ISD qualifying, watch, and warning lists and selected innovative schools shall be made publically available on a Web site maintained by the ISD.

(e) Waivers for Innovative Schools. – The ISD Superintendent may request a waiver from the State Board of Education of State Board of Education rules, regulations, policies, and procedures, or the provisions of this Chapter for innovative schools; however, innovative schools shall be required to comply with, at a minimum, the statutory requirements for charter schools as provided in Article 14A of this Chapter. The goal for each waiver shall be improvement of student performance. All innovative schools shall comply with all applicable constitutional and statutory nondiscrimination requirements. Notwithstanding G.S. 115C-105.26, the State Board of Education may grant a requested waiver of State laws or rules for an innovative school pursuant to this subsection, except for a waiver of State laws or rules applicable to children with disabilities and any of the other requirements set forth in this subsection.

**"§ 115C-75.8. Selection of IS operators, operators and consultants.**

(a) The State Board of Education may select an IS operator or an IS consultant for a ~~prospective selected~~ innovative school by ~~January-December~~ 15 and shall select an IS operator or an IS consultant for a ~~prospective selected~~ innovative school no later than ~~February-January~~ 15.

(b) Upon the recommendation of the ISD Superintendent, the State Board of Education shall only select an entity to contract as an IS operator or an IS consultant if that entity demonstrates one of the following:

- (1) The entity has a record of results in improving performance of ~~persistently~~ low-performing schools or improving performance of a substantial number of ~~persistently~~ low-performing students within a school or schools operated by the entity in this State or other states.
- (2) The entity has a credible and specific plan for dramatically improving student achievement in a low-performing school and provides evidence that the entity, or a contractual affiliate of such an entity, is either currently operating a school or schools in this State that provide students a sound, basic education or demonstrating consistent and substantial growth toward providing students a sound, basic education in the prior three school years.

(b1) ~~In the event that no entity demonstrates the qualifications required by subsection (b) of this section, the ISD is authorized to act as an IS operator for one academic year and the State Board shall select an entity in accordance with subsection (b) of this section to assume management beginning with the next academic year. If the State Board has not been able to select an entity demonstrating the required qualifications by the third year of management of the school by the ISD, the ISD shall remain the operator of the school until the end of the fifth year and shall develop a transition plan to return the school to the local school administrative unit.~~

(c) The selected IS operator or the IS consultant is encouraged to hold public informational sessions and other outreach to the community, ~~prospective-selected~~ innovative school, and local board of education of a ~~prospective-selected~~ innovative school prior to a local board's adoption of the resolution required by G.S. 115C-75.7(e).school.

(c1) The State Board of Education shall determine, based on the needs of the specific school, whether an innovative school shall be assigned an IS operator or an IS consultant. If a school is assigned an IS consultant, the school shall continue to be operated by the local school administrative unit but shall be required to meet the requirements established by the ISD Superintendent and the IS consultant for a minimum five-year period. An innovative school that fails to meet those requirements shall be assigned an IS operator by the State Board of Education.

(d) The contract between the State Board of Education and IS operator shall require, as a minimum, that the IS operator meet the same requirements as established for charter schools in the following statutes:

- (1) G.S. 115C-218.20 (Civil liability and insurance requirements).
- (2) G.S. 115C-218.25 (Open meetings and public records).
- (3) G.S. 115C-218.30 (Accountability; reporting requirements to State Board of Education).
- (4) G.S. 115C-218.50 (Charter school nonsectarian).
- (5) G.S. 115C-218.55 (Nondiscrimination in charter schools).
- (6) G.S. 115C-218.60 (Student discipline).
- (7) G.S. 115C-218.65 (North Carolina School Report Cards).
- (8) G.S. 115C-218.75 (General operating requirements).
- (9) G.S. 115C-218.85 (Course of study requirements).

**"§ 115C-75.9. Management of innovative schools.schools by an IS operator.**

(a) Direct Management by IS Operator. – An innovative school shall be subject to direct management by an IS operator selected by the State Board of Education, upon the recommendation of the ISD Superintendent, for a five-year contract. ~~In the event that temporary management is necessary due to contract termination, lack of a qualified IS operator under G.S. 115C-75.8(b1), or other unforeseen emergency, the ISD is authorized to act as an IS operator.~~The requirements of this section apply only to innovative schools under the direct management of an IS operator.

(b) Role of IS Operator. – The IS operator shall be authorized to have a direct role in making decisions about school finance, human capital, and curriculum and instruction for the innovative school while developing the leadership capacity in such schools.

(c) Assignment to Innovative Schools. – All innovative schools shall remain open to enrollment in the same manner with the same attendance zone as prior to becoming an innovative school. If a local board of education's reassignment of students within the local school administrative unit due to student population changes or openings or closures of other schools impacts the innovative school, the IS operator may appeal to the ISD Superintendent and request a hearing before the State Board of Education regarding the reassignment. Notwithstanding G.S. 115C-366, the State Board of Education shall, after hearing from both the local board of education and IS operator, determine whether the reassignment of students impacting the innovative school may proceed.

(d) Facility and Capital Expenditures. – Facility and capital expenditures shall be provided as follows:

- (1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local board of education shall be responsible for facility and capital expenditures at the qualifying school.
- (2) All IS operators and local boards of education shall enter into an occupancy agreement establishing the terms of occupancy for the IS operator not otherwise addressed in statute. If the parties are unable to reach agreement, either party may petition the State Board of Education to resolve any issues in dispute.
- (3) The IS operator shall have first priority in use of the facility for any purpose related to the operation of the innovative school. The local board of education may allow use of the facility by governmental, charitable, civic, or other organizations for activities within the community and may retain any funds received for such use for any time the IS operator has not provided written notice to the local board of its use of the facility during that time for a purpose related to the operation of the innovative school.

For the purposes of this subsection, facility and capital expenditures include routine maintenance and repair, and capital expenditures include building repair and maintenance, furniture, furnishings, and equipment.

(e) Transportation. – The local board of education shall provide transportation of all students assigned to the innovative school in the same manner as provided for other schools in the local school administrative unit in that school year.

(f) Memorandums of Understanding for Alternate Arrangements. – Notwithstanding this section, the IS operator, in ~~consultation~~ collaboration with the ISD Superintendent, may elect to enter into a memorandum of understanding for alternate arrangements with the local board of education to address any of the following:

- (1) Facility and capital expenditures.
- (2) Transportation services.
- (3) Services for Children with Disabilities.

If the IS operator elects to use a memorandum of understanding for alternate arrangements, the IS operator and local board of education shall finalize the memorandum of understanding within 30 days of the initial request by the IS operator. If the parties have not completed the memorandum of understanding within 30 days, the State Board of Education shall resolve any issues in dispute.

(g) Student Records. – The local board of education shall make available in a timely fashion all student records to the innovative school at no cost for all students of that school.

(h) Innovative School Employees. – The IS operator shall select and hire the school principal for an innovative ~~school~~ school in collaboration with the ISD Superintendent. Within the limits of the school budget, the IS operator or its designee shall select staff members in accordance with guidance from the ISD Superintendent. Before finalizing staffing recommendations, the IS operator and the ISD Superintendent or the Superintendent's designee shall interview all existing staff members at the qualifying school and review student growth and performance data for those staff members for whom it is available. Notwithstanding Article 21A of this Chapter, the IS operator and the ISD Superintendent shall be permitted to examine personnel files of existing staff members for the qualifying school. The IS operator shall have the authority to decide whether any administrator, teacher, or staff member previously assigned to a qualifying school selected to become an innovative school shall continue as an employee of the innovative school. Any such employees retained shall become employees of the ~~ISD. An ISD,~~ unless the IS operator is another local board of education, in which case the employee may become an employee of that board of education with approval of the ISD Superintendent. Except

1 as otherwise provided in this subsection, an employee hired to work in an innovative school shall  
2 be an employee of the ISD, and the employees shall be under the exclusive control of the ISD.  
3 All employees of the ISD shall be eligible for enrollment in the Teachers' and State Employees'  
4 Retirement System of North Carolina, the State Health Plan, and other benefits available to State  
5 employees. The IS operator shall provide funds to the ISD in an amount sufficient to provide  
6 salary and benefits for employees of the ISD working in the innovative school based on the terms  
7 of employment established by the IS operator. If a teacher at a qualifying school selected to  
8 become an innovative school has career status under G.S. 115C-325 prior to selection to teach at  
9 that innovative school, the teacher may return to a public school in the local school administrative  
10 unit where the innovative school is located with career status upon the end of employment at the  
11 innovative school, if an appropriate position is available. If an appropriate position is unavailable,  
12 the teacher's name shall be placed on a list of available teachers in accordance with  
13 G.S. 115C-325(e)(2).

14 (i) Criminal History Checks. – The State Board of Education shall require applicants for  
15 employment with the ISD to be checked for criminal histories using the process provided in  
16 G.S. 115C-332. The State Board of Education shall provide the criminal history it receives to the  
17 ISD Superintendent and IS operator.

18 (j) Employees of Local Board of Education. – The transfer of a qualifying school shall  
19 be deemed a reorganization of the local school administration unit resulting in a reduction in  
20 force. If an employee is not given the option to continue as an employee for the innovative school,  
21 the local board of education may, in its discretion, do any of the following:

22 (1) Continue the employee's employment with the local board of education.

23 (2) Dismiss the employee due to a reduction in force as provided in Article 22 of  
24 this Chapter.

25 (3) Dismiss the employee as otherwise provided in Article 22 of this Chapter.

26 (k) Liability Insurance. – The IS operator shall maintain reasonable amounts and types  
27 of liability insurance as established by the State Board of Education. No civil liability shall attach  
28 to the State Board of Education, the Department of Public Instruction, the ISD Superintendent,  
29 or a local board of education or to any of their members or employees, individually or  
30 collectively, for any acts or omissions of the IS operator.

31 (l) School Nutrition Program. – The innovative school shall participate in the National  
32 School Lunch Program, as provided in G.S. 115C-264.

33 (m) Cooperation with ISD Superintendent. – The local board of education shall cooperate  
34 with the ISD Superintendent in carrying out his or her powers and duties as necessary in  
35 accordance with this Chapter.

36 **"§ 115C-75.10. Innovative schools funds.**

37 (a) Funding Allocation Selection. – State and local funding for an innovative school  
38 operated by an IS operator shall be allocated as provided in subsection (b) or subsection (c) of  
39 this section. The IS operator shall select one of the allocation methods as the method to be used  
40 for the innovative school.

41 (b) Designated Funding. – Funding shall be allocated to the ISD for the innovative school  
42 by the State Board of Education and local board of education as follows:

43 (1) The State Board of Education shall allocate the following to the ISD for each  
44 innovative school:

45 a. An amount equal to the average per pupil allocation for average daily  
46 membership from the local school administrative unit allotments in  
47 which the innovative school was located for each child attending the  
48 innovative school except for the allocations for (i) children with  
49 disabilities, (ii) children with limited English proficiency, and (iii)  
50 transportation. The State Board of Education shall provide the



- 1 allocation for transportation to the local school administrative unit in  
2 which the innovative school is located.
- 3 b. An additional amount for each child attending the innovative school  
4 who is a child with disabilities.
- 5 c. An additional amount for children with limited English proficiency  
6 attending the innovative school, based on a formula adopted by the  
7 State Board of Education.
- 8 (2) The local school administrative unit in which the innovative school is located  
9 shall transfer to the ISD for the innovative school an amount equal to the per  
10 pupil share of the local current expense fund of the local school administrative  
11 unit for the fiscal year. The per pupil share of the local current expense fund  
12 shall be transferred to the ISD for the innovative school within 30 days of the  
13 receipt of monies into the local current expense fund. The local school  
14 administrative unit and ISD may use the process for mediation of differences  
15 between the State Board of Education and a charter school provided in  
16 G.S. 115C-218.95(d) to resolve differences on calculation and transference of  
17 the per pupil share of the local current expense fund. The amount transferred  
18 under this subsection that consists of revenue derived from supplemental taxes  
19 shall be transferred only to an innovative school located in the tax district for  
20 which these taxes are levied and in which the student resides. The local school  
21 administrative unit shall also provide the ISD with all of the following  
22 information within the 30-day time period provided in this subsection:
- 23 a. The total amount of monies the local school administrative unit has in  
24 each of the funds listed in G.S. 115C-426(c).
- 25 b. The student membership numbers used to calculate the per pupil share  
26 of the local current expense fund.
- 27 c. How the per pupil share of the local current expense fund was  
28 calculated.
- 29 d. Any additional records requested by the ISD from the local school  
30 administrative unit in order for the ISD to audit and verify the  
31 calculation and transfer of the per pupil share of the local current  
32 expense fund.
- 33 (c) Funding Memorandum of Understanding. – The IS operator, in ~~consultation~~  
34 collaboration with the ISD Superintendent, may enter into a funding memorandum of  
35 understanding with the local board of education of the local school administrative unit where the  
36 innovative school is located for all student support and operational services and instructional  
37 services to be provided by the local board of education in the same manner and degree as in the  
38 prior school year or funding in an amount equivalent to the amount the local board of education  
39 would have expended on those services if provided. For the purposes of this subsection, student  
40 support and operational services include cafeteria services, custodial services, broadband and  
41 utilities, and student information services, and instructional services include alternative  
42 education, special education services, test administration services, textbooks, technology, media  
43 resources, instructional equipment, and other resources. The IS operator and local board of  
44 education shall finalize the funding memorandum of understanding within 30 days of the initial  
45 request for the memorandum by the IS operator. If the parties have not completed the funding  
46 memorandum of understanding within 30 days, the State Board of Education shall resolve any  
47 issues in dispute.
- 48 (d) The ISD may seek, manage, and expend federal money and grants, State funding,  
49 municipal funding, and other funding with the same authority as a local school administrative  
50 unit, including decisions related to allocation of State funds among innovative schools, and shall  
51 be considered a local school administrative unit for all federal funding purposes.



**"§ 115C-75.11. Accountability and governance for innovative schools.**

(a) The IS operator or innovative school with an IS consultant shall set clear goals related to higher academic outcomes for students, safe and positive learning environments for children, parent and community engagement, and the efficient and effective use of taxpayer dollars, empower and equip teachers and school leaders to meet the goals, and hold such teachers and school leaders accountable to meet the goals. The IS operator or innovative school with an IS consultant shall apply to the ISD Superintendent for appropriate waivers for the innovative school pursuant to G.S. 115C-75.7(e).

(b) The IS ~~operator-operator~~, in collaboration with the ISD Superintendent, shall select, approve, or remove the school principal of an innovative school that it is managing in accordance with this Article.

(c) The IS operator or innovative school with an IS consultant shall enter into an agreement with the school principal regarding specific goals for the innovative school related to higher academic outcomes for students, safe and positive learning environments for children, parent and community engagement, and the efficient and effective use of taxpayer dollars. The agreement shall be made publicly available on the ISD Web site.

(d) An innovative school with an IS operator shall not be included in any State evaluation or performance models used for the local school administrative unit in which the school is located but shall be considered a part of the ISD for all evaluation purposes.

**"§ 115C-75.12. Term of supervision for an innovative ~~school~~ school with an IS operator.**

(a) An innovative school shall remain under the supervision of the ISD for a minimum of five consecutive years through a contract with an IS operator. The following shall apply to the term of a contract with an IS operator of an innovative school:

- (1) Early termination of contract based on performance. – If, during the five-year contract, the innovative school's annual percentage growth does not exceed the average annual percentage growth of other qualifying schools for three consecutive years, the State Board of Education, upon the recommendation of the ISD Superintendent, may terminate the contract at the conclusion of the academic year and select another IS operator in accordance with G.S. 115C-75.8 to assume the remainder of the five-year contract and any occupancy agreements or memorandums of understanding with the local board of education at the beginning of the next academic year.
- (2) Nonrenewal of contract based on performance. – If, by the end of the five-year contract, the innovative school's average annual percentage growth during the term of the contract does not exceed the average annual percentage growth of other qualifying schools during the same term, the State Board of Education shall not renew the contract of the IS operator and develop a transition plan to return the school to the local school administrative unit.
- (3) State Board of Education optional extension of contract for three years. – If, by the end of the five-year contract, the innovative school remains a qualifying school but has exceeded the average annual percentage growth of other qualifying schools and has shown growth over the term of the contract, the State Board of Education, upon the recommendation of the ISD Superintendent in his or her discretion, may continue the contract with the IS operator for an additional three-year term. The ISD Superintendent and IS operator shall engage the school, the school community, and the school's local board of education in developing a transition plan for the school to leave the supervision of the ISD at the conclusion of the three-year extension of the contract. If the State Board of Education does not elect to continue the contract, the State Board of Education may do any of the following:
  - a. Select another IS operator for a three-year contract.

- 1 b. Close the school as provided in subdivision (2) of this subsection.  
2 c. Develop a transition plan to return the school to the local school  
3 administrative unit for the next school year.
- 4 (4) IS operator option to extend contract for three years. – If, by the end of the  
5 five-year contract, the innovative school receives a grade of C or higher under  
6 G.S. 115C-12(9)c1., the IS operator shall have the option to extend the  
7 contract for another three-year term. The ISD Superintendent and IS operator  
8 shall engage the school, the school community, and the school's local board  
9 of education in developing a transition plan for the school to leave the  
10 supervision of the ISD at the conclusion of the three-year extension of the  
11 contract. Options at the conclusion of the contract shall include the following:  
12 a. Conversion to charter. – If, in the development of the transition plan,  
13 a local board of education indicates by resolution to the State Board of  
14 Education that the local board of education elects to not receive the  
15 transfer of the innovative school back to the local school  
16 administrative unit, the IS operator may apply to convert the school to  
17 a charter school under Article 14A of this Chapter. If a charter is  
18 awarded, the charter board of directors may request to use the facility  
19 as provided in G.S. 115C-218.35. If the IS operator does not seek  
20 conversion to a charter school or fails to receive a charter, the State  
21 Board of Education may close the school as provided in subdivision  
22 (2) of this subsection.  
23 b. Alternate as operator or return to local school administrative unit. – If  
24 the IS operator does not elect to continue the contract, the State Board  
25 of Education may select another IS operator for a three-year contract  
26 or may develop a transition plan to return the school to the local school  
27 administrative unit for the next school year.
- 28 (5) Termination of contract on other grounds. – The State Board of Education,  
29 upon the recommendation of the ISD Superintendent, may terminate a  
30 contract with an IS operator at any time during the contract for financial  
31 mismanagement, noncompliance with federal or State laws, failure to comply  
32 with the terms of the contract, or evidence of criminal activity. The State  
33 Board of Education shall develop a transition plan to return the school to the  
34 local school administrative unit. ~~The ISD is authorized to act as a temporary~~  
35 ~~IS operator during the transition period, if necessary.~~
- 36 (b) An innovative school with an IS operator shall remain under the supervision of the  
37 ISD for no more than eight years.
- 38 (c) The State Board of Education shall make all decisions related to contracts for IS  
39 operators no later than May 1, except as provided in subdivision (5) of subsection (a) of this  
40 section.
- 41 **"§ 115C-75.13. Innovation zones.**
- 42 (a) If a local board of education transfers a qualifying school to the ISD, the local board  
43 of education may ask the State Board of Education to be allowed to create an innovation zone (i)  
44 for up to three ~~continually~~ low-performing schools within its local school administrative unit or  
45 (ii) if the local school administrative unit has more than thirty-five percent (35%) of the schools  
46 identified in the unit as low-performing, for some or all of the low-performing schools located in  
47 the unit.
- 48 The State Board of Education shall grant, upon recommendation of the ISD Superintendent,  
49 such requests for the creation of an innovation zone. The State Board of Education shall also  
50 authorize the local board of education the flexibility to operate the schools within the innovation  
51 zone with the same exemptions from statutes and rules as a charter school authorized under

Article 14A of this Chapter and with exemptions from local board of education policies as needed to ensure autonomy under the guidance of the innovation zone office for financial, programmatic, staffing, and time allocation decisions.

(b) The innovation zone created by a local board of education must include all of the following:

- (1) Development of a clear and specific plan for improving schools within the innovation zone.
- (2) Establishment of an innovation zone office with a leader ~~recommended by~~ selected in consultation with the ISD Superintendent to be appointed by the local board of education and approved by the State Board of Education to govern and lead the schools in the innovation zone.
- (3) Attraction of high-quality staff at schools in the innovation zone through the use of incentives, favorable working conditions, and development of partnerships to develop human capital.
- (4) Accountability for those schools based on established benchmarks and goals for student achievement and for support services provided by the local school administrative unit based on metrics established by the innovation zone office for effective and efficient delivery.
- (5) Support for those schools by the innovation zone office to ensure priority in services from the local school administrative unit, pursuit of outside funding, and technical support, including support from external partners.

(c) A local board of education may maintain an innovation zone created as provided in subsection (a) for up to five consecutive years. The State Board of Education may terminate the innovation zone as follows:

- (1) Early termination of innovation zone based on performance. – If, during the five-year period, the average of the annual percentage growth of the schools within the innovation zone does not exceed the average annual percentage growth of other ~~continually~~ low-performing schools for three consecutive years, the State Board of Education, upon the recommendation of the ISD Superintendent, may terminate the innovation zone at the conclusion of the academic year.
- (2) Nonrenewal of innovation zone based on performance. – If, by the end of the five-year period, the average annual percentage growth of the schools within the innovation zone over the five-year period does not exceed the average annual percentage growth of other ~~continually~~ low-performing schools during the same term, the State Board of Education shall not permit the local board of education to continue the innovation zone.
- (3) State Board of Education optional extension of innovation zone for three years. – If, by the end of the five-year period, the schools within the innovation zone remain ~~continually~~ low-performing schools but have exceeded the average annual percentage growth of other ~~continually~~ low-performing schools, the State Board of Education, upon the recommendation of the ISD Superintendent in his or her discretion, may allow continuation of the innovation zone for an additional three years.
- (4) Local board of education option to extend innovation zone for three years. – If, by the end of the five-year period, the schools within the innovation zone receive a grade of C or higher under G.S. 115C-12(9)c1., the local board of education shall have the option to extend the innovation zone for another three years.

(d) ~~A low-performing school in an innovation zone, created as provided in clause (ii) of subsection (a) of this section, shall become an innovative school if that low-performing school~~

1 does not exceed expected growth in the last two years of the five consecutive years in the  
2 innovation zone."

3 **SECTION 2.** G.S. 115C-429(a) reads as rewritten:

4 "(a) Upon receiving the budget from the superintendent and following the public hearing  
5 authorized by G.S. 115C-428(b), if one is held, the board of education shall consider the budget,  
6 make such changes therein as it deems advisable, and submit the entire budget as approved by  
7 the board of education to the board of county commissioners not later than May 15, or such later  
8 date as may be fixed by the board of county commissioners. At the time of submission of the  
9 budget, the board of education shall also submit to the board of county commissioners in writing  
10 the academic performance of the schools in the local school administrative unit, including the  
11 school performance grades of each school, any schools identified as low-performing or  
12 continually low-performing or included on the Innovative School District qualifying, watch, or  
13 warning list, and efforts by the local board of education to improve those identified schools'  
14 performance. The local board of education shall present the academic performance information  
15 at a public meeting upon the request of the board of commissioners."

16 **SECTION 3.(a)** Notwithstanding G.S. 115C-75.7(a), as amended by this act, the  
17 State Board of Education shall select the following schools to become innovative schools:

- 18 (1) The lowest scoring school in the State based on the school performance score  
19 in the 2017-2018 school year to become an innovative school in the  
20 2019-2020 school year.
- 21 (2) The lowest scoring school in the State based on the school performance score  
22 in the 2018-2019 school year to become an innovative school in the  
23 2020-2021 school year.
- 24 (3) The lowest scoring school in the State based on the school performance score  
25 in the 2019-2020 school year to become an innovative school in the  
26 2021-2022 school year.
- 27 (4) The lowest scoring school in the State based on the school performance score  
28 in the 2020-2021 school year to become an innovative school in the  
29 2022-2023 school year.

30 **SECTION 3.(b)** The State Board of Education shall select all innovative schools, as  
31 required by G.S. 115C-75.7(a), as amended by this act, no earlier than the 2022-2023 school year  
32 for inclusion in the Innovative School District beginning with the 2023-2024 school year, unless  
33 a local board of education requests selection prior to that year.

34 **SECTION 4.** The State Superintendent of Education and the ISD Superintendent  
35 shall jointly study the following and report on any recommendations and suggested legislative  
36 changes to the Joint Legislative Education Oversight Committee no later than March 15, 2020:

- 37 (1) Options for innovative schools. – Structure of innovative schools and types of  
38 partnerships with IS operators, IS consultants, or other entities that provide  
39 effective options and ensure flexibility for the Innovative School District  
40 (ISD) to best address the needs of innovative schools and students. This  
41 recommendation should take into consideration, but is not limited to, factors  
42 such as length of time of an innovative school in the ISD, role or relationship  
43 of the local board of education with the ISD and innovative school, and types  
44 of entities and contract terms that the ISD should use to establish options for  
45 selecting the most appropriate entity to serve the innovative school.
- 46 (2) Reform of low-performing school models. – Alignment of requirements in  
47 Chapter 115C of the General Statutes for identification and reform of  
48 low-performing and continually low-performing schools, including Part 3 of  
49 Article 8B of Chapter 115C of the General Statutes, with other reform efforts  
50 in State and federal law, to ensure a comprehensive and efficient approach to  
51 support and improvement of those schools that does not create redundancies.

1           **SECTION 5.** This act is effective when it becomes law and, except as provided in  
2 Section 3(a) of this act, applies to schools identified based on data from the 2018-2019 school  
3 year as qualifying schools for the 2019-2020 school year.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 798

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

H798-ATC-29 [v.2]

Page 1 of 2

Amends Title [NO]  
First Edition

Date April 30, 2019

Representative Meyer

1 moves to amend the bill on page 3, line 3, by adding the following sentence at the end of that  
2 line:

3  
4 "The ISD Superintendent, or designee, shall hold a public hearing for parents,  
5 employees of the school, and community members with a minimum of 10  
6 days' notice, and shall coordinate with the local board of education to provide  
7 direct notice of the public hearing to the following assigned to that school: (i)  
8 parents of students and (ii) employees. At the public hearing, the ISD  
9 Superintendent shall share information about the ISD selection process,  
10 potential impacts of the designation as an innovative school, potential  
11 resources, strategies, and partners for comprehensive support and  
12 improvement that can assist in plans for improvement of the school, and any  
13 additional information deemed necessary by the ISD Superintendent.";

14  
15 and on page 3, lines 16 through 18, by rewriting those lines to read:

16  
17 "Superintendent. The local board of education shall provide notice of the  
18 public hearing to the ISD Superintendent 10 days prior to the meeting and  
19 provide the opportunity to the ISD Superintendent to present as part of the  
20 presentation at the public meeting. The ISD Superintendent, or designee, shall  
21 share information at the public hearing about the ISD selection process,  
22 potential impacts of the designation as an innovative school, potential  
23 resources, strategies, and partners for comprehensive support and  
24 improvement that can assist in plans for improvement of the school, and any  
25 additional information deemed necessary by the ISD Superintendent. The  
26 local board of education shall submit a transcript of the public hearing to the  
27 ISD Superintendent within 60 days after the hearing.";

28  
29 and on page 3, lines 36-38, by rewriting those lines to read:

30  
31 "opportunity to the ISD Superintendent to present at the public  
32 hearing. The ISD Superintendent, or designee, shall share information



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**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**House Bill 798**

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

H798-ATC-29 [v.2]

Page 2 of 2

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at the public hearing about the ISD selection process, potential impacts of the designation as an innovative school, potential resources, strategies, and partners for comprehensive support and improvement that can assist in plans for improvement of the school, and any additional information deemed necessary by the ISD Superintendent. The local board of education shall submit a transcript of the public hearing to the ISD Superintendent within 60 days after the hearing."

SIGNED

  
\_\_\_\_\_  
Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED

  
\_\_\_\_\_

FAILED

\_\_\_\_\_

TABLED

\_\_\_\_\_





## HOUSE BILL 895: Opportunity Gap Task Force.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 30, 2019
<b>Introduced by:</b>	Reps. Blackwell, Brockman, Horn, Meyer	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	PCS to First Edition H895-CSBN-14		Staff Attorney

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**OVERVIEW:** House Bill 895 would establish the Opportunity Gap Task Force (Task Force). The PCS to House Bill 895 would do the following:

- Remove the Executive Director of NC Child as a member, and instead require that the Executive Director of the NC Association for Public Charter Schools be a member of the Task Force.
- Require the Task Force to consider the effective access to and use of technology, including (i) connectivity for students and their families, (ii) devices, and (iii) software.
- Require the Task Force to extend invitations to receive input from (i) the Executive Director of NC Child and (ii) The President of Parents for Educational Freedom in North Carolina.
- Change the submission deadline of the final report of the Task Force from September 1, 2020, to December 1, 2020, and provide that the Task Force terminates on December 1, 2020, rather than September 1, 2020.

**BILL ANALYSIS:** The PCS to House Bill 895 would establish the Task Force consisting of 14 members. These appointments would have to be made by August 1, 2019. The Speaker and the President Pro Tempore would each select a co-chair of the Task Force. The Task Force would meet upon the call of the co-chairs, with the first meeting no later than September 1, 2019.

For the purposes of the Task Force, "opportunity gap" would mean "the significant disparity in the academic performance and postsecondary readiness of students between any of the following subgroups: races, ethnicities, socioeconomic statuses, gender, English-language proficiencies, and urban, rural, or suburban domiciles."

The Task Force would be required to do the following: (i) study the opportunity gap, (ii) consider effective approaches and best practices from across the country to close the opportunity gap in grades kindergarten through 12, and (iii) propose a plan to reduce the opportunity gap for all subgroups by July 1, 2030. The Task Force would be required to consider specific topics and invite input from specific groups, as outlined in the PCS.

In its proposed plan to reduce the opportunity gap for all subgroups, the Task Force would include all of the following: (i) information identifying opportunity gaps that exist between races, ethnicities, socioeconomic statuses, gender, English-language proficiencies, and urban, rural, or suburban domiciles; (ii) recommendations for closing or significantly reducing the opportunity gaps identified by the Task Force; and (iii) benchmarks for implementation of the proposed plan.

The final report, including the proposed plan, would have to be submitted by December 1, 2020, to the Joint Legislative Education Oversight Committee. The Task Force would terminate upon the filing of the report, or December 1, 2020, whichever occurs first.

**EFFECTIVE DATE:** House Bill 895 would become effective when it becomes law.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 895

Short Title: Opportunity Gap Task Force. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 22, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE OPPORTUNITY GAP TASK FORCE.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** There is established the Opportunity Gap Task Force (Task Force).

5 **SECTION 2.** The Task Force shall consist of 13 members as follows:

- 6 (1) Three persons who are members of the House of Representatives at the time  
7 of appointment, at least one of whom represents the minority party, appointed  
8 by the Speaker of the House of Representatives.
- 9 (2) Three persons who are members of the Senate at the time of appointment, at  
10 least one of whom represents the minority party, appointed by the President  
11 Pro Tempore of the Senate.
- 12 (3) The chair of the State Board of Education, or his or her designee.
- 13 (4) The Superintendent of Public Instruction, or his or her designee.
- 14 (5) The President of The University of North Carolina, or his or her designee.
- 15 (6) The President of the North Carolina System of Community Colleges, or his or  
16 her designee.
- 17 (7) The President of the North Carolina Independent Colleges and Universities,  
18 Inc., or his or her designee.
- 19 (8) The President and Chief Executive Officer of North Carolina Business  
20 Leaders for Education, doing business as BEST NC (Business for Educational  
21 Success and Transformation), or his or her designee.
- 22 (9) The Executive Director of NC Child, or his or her designee.
- 23 (10) The Senior Education Advisor to the Governor.

24 **SECTION 3.** Appointments to the Task Force shall be made no later than August 1,  
25 2019. In making their appointments, the appointing authorities shall consider the geographic and  
26 cultural diversity of the State and the value to the Task Force of experience in business, education,  
27 and philanthropic organizations. Any vacancy shall be filled by the appointing authority.

28 **SECTION 4.** The Task Force shall (i) study the opportunity gap, (ii) consider  
29 effective approaches and best practices from across the country to close the opportunity gap in  
30 grades kindergarten through 12, and (iii) propose a plan to reduce the opportunity gap for all  
31 subgroups by July 1, 2030. For purposes of this act, the "opportunity gap" refers to the significant  
32 disparity in the academic performance and postsecondary readiness of students between any of  
33 the following subgroups: races, ethnicities, socioeconomic statuses, genders, English-language  
34 proficiencies, and urban, rural, or suburban domiciles.

35 As part of its study, the Task Force shall consider the following:



- (1) Best practices in public education.
- (2) Professional development for teachers.
- (3) Parental involvement in public education.
- (4) Disparities in disciplinary consequences, including suspensions and expulsions.
- (5) Preparation and development of school leadership.
- (6) Effective use of data to reduce the opportunity gap.
- (7) Access to effective educators.
- (8) Access to rigorous coursework, including content and courses.
- (9) Access to effective school leadership.
- (10) Innovative budgeting practices.
- (11) The value of incorporating mastery-based learning into curriculum.
- (12) Any other issue the Task Force deems relevant to its study.

At a minimum, the Task Force shall extend invitations to receive input from all of the following:

- (1) Two or more parents of students adversely affected by the opportunity gap.
- (2) Two or more teachers employed in a North Carolina public school who have demonstrated significant success in reducing the opportunity gap in the classroom.
- (3) Two or more principals employed in a North Carolina public school who have demonstrated significant success in reducing the opportunity gap at a school.
- (4) Two or more superintendents employed in a local school administrative unit who have demonstrated significant success in reducing the opportunity gap at a local school administrative unit.
- (5) Organizations that have demonstrated success in closing the opportunity gap, including, but not limited to, Communities in Schools of North Carolina, Inc.
- (6) The Professional Educator Preparation and Standards Commission.
- (7) The My Future NC Commission.
- (8) The Governor's Commission on Access to Sound Basic Education.
- (9) The B-3 Interagency Council.
- (10) The North Carolina Early Childhood Foundation, Inc.'s Pathways to Grade-Level Reading Initiative.

The Task Force shall include the following in its proposed plan to reduce the opportunity gap for all subgroups:

- (1) Information identifying opportunity gaps that exist between races, ethnicities, socioeconomic statuses, genders, English-language proficiencies, and urban, rural, or suburban domiciles.
- (2) Recommendations for closing or significantly reducing the opportunity gaps identified by the Task Force.
- (3) Benchmarks for implementation of the proposed plan.

**SECTION 5.** The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each select a cochair for the Task Force from among its members. The Task Force shall meet upon the call of its cochairs. A quorum of the Task Force is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services.

Members of the Task Force shall serve without compensation, but may receive travel and subsistence as follows:

- 1 (1) Members who are officials or employees of a State agency or unit of local
- 2 government, in accordance with G.S. 138-6.
- 3 (2) Members who serve in the General Assembly, in accordance with
- 4 G.S. 120-3.1.
- 5 (3) All other members at the rate established in G.S. 138-5.

6 All State departments and agencies and local governments and their subdivisions shall  
7 furnish the Task Force with any requested information in their possession or available to them.

8 **SECTION 6.** The Legislative Services Officer shall assign professional and clerical  
9 staff to assist the Task Force in its work. The Director of Legislative Assistants of the House of  
10 Representatives and the Director of Legislative Assistants of the Senate shall assign clerical  
11 support to the Task Force.

12 **SECTION 7.** Meetings of the Task Force shall begin no later than September 1,  
13 2019. The Task Force shall submit a final report on the results of its study, including its proposed  
14 plan and any proposed legislation, to the Joint Legislative Education Oversight Committee on or  
15 before September 1, 2020, by filing a copy of the report with the Office of the President Pro  
16 Tempore of the Senate, the Office of the Speaker of the House of Representatives, the Joint  
17 Legislative Education Oversight Committee, and the Legislative Library. The Task Force shall  
18 terminate on September 1, 2020, or upon the filing of its final report, whichever comes first.

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





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**D**

**HOUSE BILL 895  
PROPOSED COMMITTEE SUBSTITUTE H895-CSBN-14 [v.7]**

04/29/2019 05:45:43 PM

Short Title: Opportunity Gap Task Force.

(Public)

Sponsors:

Referred to:

April 22, 2019

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE OPPORTUNITY GAP TASK FORCE.  
The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the Opportunity Gap Task Force (Task Force).

**SECTION 2.** The Task Force shall consist of 13 members as follows:

- (1) Three persons who are members of the House of Representatives at the time of appointment, at least one of whom represents the minority party, appointed by the Speaker of the House of Representatives.
- (2) Three persons who are members of the Senate at the time of appointment, at least one of whom represents the minority party, appointed by the President Pro Tempore of the Senate.
- (3) The chair of the State Board of Education, or his or her designee.
- (4) The Superintendent of Public Instruction, or his or her designee.
- (5) The President of The University of North Carolina, or his or her designee.
- (6) The President of the North Carolina System of Community Colleges, or his or her designee.
- (7) The President of the North Carolina Independent Colleges and Universities, Inc., or his or her designee.
- (8) The President and Chief Executive Officer of North Carolina Business Leaders for Education, doing business as BEST NC (Business for Educational Success and Transformation), or his or her designee.
- (9) The Executive Director of the NC Association for Public Charter Schools, or his or her designee.
- (10) The Senior Education Advisor to the Governor, or his or her designee.

**SECTION 3.** Appointments to the Task Force shall be made no later than August 1, 2019. In making their appointments, the appointing authorities shall consider the geographic and cultural diversity of the State and the value to the Task Force of experience in business, education, and philanthropic organizations. Any vacancy shall be filled by the appointing authority.

**SECTION 4.(a)** The Task Force shall (i) study the opportunity gap, (ii) consider effective approaches and best practices from across the country to close the opportunity gap in grades kindergarten through 12, and (iii) propose a plan to reduce the opportunity gap for all subgroups by July 1, 2030. For the purposes of this act, the "opportunity gap" refers to the significant disparity in the academic performance and postsecondary readiness of students between any of the following subgroups: races, ethnicities, socioeconomic statuses, genders, English-language proficiencies, and urban, rural, or suburban domiciles.

**SECTION 4.(b)** As part of its study, the Task Force shall consider the following:



- 1 (1) Best practices in public education.
- 2 (2) Professional development for teachers.
- 3 (3) Parental involvement in public education.
- 4 (4) Disparities in disciplinary consequences, including suspensions and
- 5 expulsions.
- 6 (5) Preparation and development of school leadership.
- 7 (6) Effective use of data to reduce the opportunity gap.
- 8 (7) Access to effective educators.
- 9 (8) Access to rigorous coursework, including content and courses.
- 10 (9) Access to effective school leadership.
- 11 (10) Innovative budgeting practices.
- 12 (11) The value of incorporating mastery-based learning into curriculum.
- 13 (12) Effective access to and use of technology, including (i) connectivity for
- 14 students and their families, (ii) devices, and (iii) software.
- 15 (13) Any other issue the Task Force deems relevant to its study.

16 **SECTION 4.(c)** At a minimum, the Task Force shall extend invitations to receive  
17 input from all of the following:

- 18 (1) Two or more parents of students adversely affected by the opportunity gap.
- 19 (2) Two or more teachers employed in a North Carolina public school who have
- 20 demonstrated significant success in reducing the opportunity gap in the
- 21 classroom.
- 22 (3) Two or more principals employed in a North Carolina public school who have
- 23 demonstrated significant success in reducing the opportunity gap at a school.
- 24 (4) Two or more superintendents employed in a local school administrative unit
- 25 who have demonstrated significant success in reducing the opportunity gap at
- 26 a local school administrative unit.
- 27 (5) Organizations that have demonstrated success in closing the opportunity gap,
- 28 including, but not limited to, Communities in Schools of North Carolina, Inc.
- 29 (6) The Professional Educator Preparation and Standards Commission.
- 30 (7) The My Future NC Commission.
- 31 (8) The Governor's Commission on Access to Sound Basic Education.
- 32 (9) The B-3 Interagency Council.
- 33 (10) The North Carolina Early Childhood Foundation, Inc.'s Pathways to
- 34 Grade-Level Reading Initiative.
- 35 (11) The Executive Director of NC Child, or his or her designee.
- 36 (12) The President of Parents for Educational Freedom in North Carolina, or his or
- 37 her designee.

38 **SECTION 4.(d)** The Task Force shall include the following in its proposed plan to  
39 reduce the opportunity gap for all subgroups:

- 40 (1) Information identifying opportunity gaps that exist between races, ethnicities,
- 41 socioeconomic statuses, genders, English-language proficiencies, and urban,
- 42 rural, or suburban domiciles.
- 43 (2) Recommendations for closing or significantly reducing the opportunity gaps
- 44 identified by the Task Force.
- 45 (3) Benchmarks for implementation of the proposed plan.

46 **SECTION 5.** The Speaker of the House of Representatives and the President Pro  
47 Tempore of the Senate shall each select a cochair for the Task Force from among its members.  
48 The Task Force shall meet upon the call of its cochairs. A quorum of the Task Force is a majority  
49 of its members. No action may be taken except by a majority vote at a meeting at which a quorum  
50 is present. The Task Force, while in the discharge of its official duties, may exercise all powers  
51 provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may

1 contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02. If the  
2 Task Force hires a consultant, the consultant shall not be a State employee or a person currently  
3 under contract with the State to provide services.

4 Members of the Task Force shall serve without compensation, but may receive travel  
5 and subsistence as follows:

6 (1) Members who are officials or employees of a State agency or unit of local  
7 government, in accordance with G.S. 138-6.

8 (2) Members who serve in the General Assembly, in accordance with  
9 G.S. 120-3.1.

10 (3) All other members at the rate established in G.S. 138-5.

11 All State departments and agencies and local governments and their subdivisions shall  
12 furnish the Task Force with any requested information in their possession or available to them.

13 **SECTION 6.** The Legislative Services Officer shall assign professional and clerical  
14 staff to assist the Task Force in its work. The Director of Legislative Assistants of the House of  
15 Representatives and the Director of Legislative Assistants of the Senate shall assign clerical  
16 support to the Task Force.

17 **SECTION 7.** Meetings of the Task Force shall begin no later than September 1,  
18 2019. The Task Force shall submit a final report on the results of its study, including its proposed  
19 plan and any proposed legislation, to the Joint Legislative Education Oversight Committee on or  
20 before December 1, 2020, by filing a copy of the report with the Office of the President Pro  
21 Tempore of the Senate, the Office of the Speaker of the House of Representatives, the Joint  
22 Legislative Education Oversight Committee, and the Legislative Library. The Task Force shall  
23 terminate on December 1, 2020, or upon the filing of its final report, whichever comes first.

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





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 895

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

H895-ABN-38 [v.2]

Page 1 of 1

Amends Title [NO]  
H895-CSBN-14

Date April 30, 2019

Representative Blackwell

- 1 moves to amend the bill on page 1, line 5, by deleting the number "13" and substituting the  
2 number "14";  
3  
4 and on page 2, lines 37-38, by adding the following between the lines:  
5 "(13) The Public School Forum of North Carolina."  
6  
7

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED



\* H 8 9 5 - A B N - 3 8 - V - 2 \*



UNITED STATES DEPARTMENT OF JUSTICE  
 FEDERAL BUREAU OF INVESTIGATION  
 WASHINGTON, D.C. 20535

TO : DIRECTOR, FBI (100-441100) (P)  
 FROM : SAC, NEW YORK (100-100000) (P)  
 SUBJECT: [Illegible]

RE: [Illegible]  
 DATE: 10/1/77

On 9/29/77, [Illegible] advised that [Illegible] had been contacted by [Illegible] who stated that [Illegible] was currently in New York City and was planning to travel to Washington, D.C. on 10/1/77. [Illegible] stated that [Illegible] was currently in New York City and was planning to travel to Washington, D.C. on 10/1/77. [Illegible] stated that [Illegible] was currently in New York City and was planning to travel to Washington, D.C. on 10/1/77.

*[Handwritten signature]*  
 Special Agent in Charge

100-441100-1000  
 100-100000-1000  
 100-100000-1000





# HOUSE BILL 933: Study Career/College Readiness.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 30, 2019
<b>Introduced by:</b>	Reps. Blackwell, Clemmons, Horn, Hardister	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H933-CSBE-22		Committee Co-Counsel

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**OVERVIEW:** *House Bill 933 would establish a study committee to consider the inclusion of career and college readiness coursework in the calculation of school performance grades for high schools. The PCS would expand the scope of the study committee to also include a review of how career and college readiness skills should be taught and evaluated in North Carolina public schools.*

**CURRENT LAW:** Under G.S. 115C-83.15, all schools in North Carolina are awarded a school performance score (0-100) and grade (A-F) based on school achievement and growth scores. The performance score is equal to the sum of 80% of the school achievement score and 20% of the school growth score. The school achievement score is made up of several factors, including: student performance on annual subject-specific assessments, college and workplace readiness measures, and graduation rates. The school growth score is calculated using the Education Value-Added Assessment System (EVAAS) to determine how much students have improved throughout the school year on certain school achievement factors.

**BILL ANALYSIS:** The PCS would establish the Joint Legislative Study Committee on Career and College Readiness (Committee) to study how career and college readiness skills should be taught and evaluated in North Carolina Public Schools, including how to incorporate career and college readiness coursework into high school performance grades.

- **Membership:** The Committee would be made up of three members of the House of Representatives (including a co-chair) and three members of the Senate (including a co-chair), appointed by the Speaker of the House and the President Pro Tempore, respectively.
- **Duties:** The Committee would study the following:
  - The meaning of career and college readiness and any specific skills that the phrase should include.
  - How instruction in career and college readiness skills should be incorporated into the standard course of study.
  - All relevant outcome measures that would determine the success of career and college readiness programs in North Carolina public schools.
  - Different ways to include in high school performance grades the participation and success in coursework that results in credit toward (i) college graduation (such as dual enrollment, AP, or IB courses) or (ii) a valuable postsecondary

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 933

Page 2

credential or certification recognized by one or more nationally recognized business groups.

- How other states have incorporated career and college readiness coursework into their school evaluation systems, including a review of other states' Every Student Succeeds Act (ESSA) plans.
- How various approaches for including such coursework in high school performance grades would impact school performance grades across the State, including sample calculations by the Department of Public Instruction.
- Any other issue the Committee considers relevant to this study.
- **Final Report:** The Committee would be required to submit a final report to the members of the Senate and the House of Representatives, the Joint Legislative Education Oversight Committee, and the Legislative Library by April 1, 2020. The Committee would terminate on April 1, 2020, or upon the filing of its final report, whichever occurs first.

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



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 933**

Short Title: Study Career/Coll. Read. in Perf. Grades. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 22, 2019

A BILL TO BE ENTITLED  
AN ACT TO STUDY THE INCLUSION OF CAREER AND COLLEGE READINESS  
COURSEWORK IN THE CALCULATION OF SCHOOL PERFORMANCE GRADES  
FOR HIGH SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the Joint Legislative Study Committee on the Inclusion of Career and College Readiness Coursework in School Performance Grades (Committee). The Committee shall consist of three members of the Senate appointed by the President Pro Tempore of the Senate and three members of the House of Representatives appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Committee from among its membership. Members shall serve at the pleasure of the appointing officer.

**SECTION 2.** The Committee shall study and make recommendations on the following:

- (1) Different ways to include in high school performance grades the participation and success in coursework that results in credit toward (i) college graduation (such as dual enrollment, AP, or IB courses) or (ii) a valuable postsecondary credential or certification recognized by one or more nationally recognized business groups.
- (2) How other states have incorporated the coursework described in subdivision (1) of this section into their school evaluation systems, including a review of other states' Every Student Succeeds Act (ESSA) plans.
- (3) How various approaches for including such coursework in high school performance grades would impact school performance grades across the State, including sample calculations by the Department of Public Instruction.
- (4) Any other issue the Committee considers relevant to this study.

**SECTION 3.** The Committee shall meet upon the call of its cochairs. A quorum of the Committee is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1. The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly.



1           **SECTION 4.** The Legislative Services Officer shall assign professional and clerical  
2 staff to assist the Committee in its work. The Director of Legislative Assistants of the House of  
3 Representatives and the Director of Legislative Assistants of the Senate shall assign clerical  
4 support to staff the Committee.

5           **SECTION 5.** The Committee shall submit a final report on the results of its study,  
6 including any proposed legislation, to the members of the Senate and the House of  
7 Representatives on or before April 1, 2020, by filing a copy of the report with the Office of the  
8 President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives,  
9 the Joint Legislative Education Oversight Committee, and the Legislative Library. The  
10 Committee shall terminate on April 1, 2020, or upon the filing of its final report, whichever  
11 occurs first.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**D**

**HOUSE BILL 933  
PROPOSED COMMITTEE SUBSTITUTE H933-CSBE-22 [v.4]**

04/26/2019 11:08:37 AM

Short Title: Study Career/College Readiness.

(Public)

Sponsors:

Referred to:

April 22, 2019

A BILL TO BE ENTITLED  
AN ACT TO STUDY CAREER AND COLLEGE READINESS IN NORTH CAROLINA  
SCHOOLS, INCLUDING HOW TO INCORPORATE CAREER AND COLLEGE  
READINESS MEASURES INTO SCHOOL PERFORMANCE GRADES FOR HIGH  
SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the Joint Legislative Study Committee on Career and College Readiness (Committee). The Committee shall consist of three members of the Senate appointed by the President Pro Tempore of the Senate and three members of the House of Representatives appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Committee from among its membership. Members shall serve at the pleasure of the appointing officer.

**SECTION 2.** The Committee shall study and make recommendations on the following:

- (1) The meaning of career and college readiness and any specific skills that the phrase should include.
- (2) How instruction in career and college readiness skills identified in subdivision (1) should be incorporated into the standard course of study.
- (3) All relevant outcome measures that would determine the success of career and college readiness programs in North Carolina public schools.
- (4) Different ways to include in high school performance grades the participation and success in coursework that results in credit toward (i) college graduation (such as dual enrollment, AP, or IB courses) or (ii) a valuable postsecondary credential or certification recognized by one or more nationally recognized business groups.
- (5) How other states have incorporated the coursework described in subdivision (4) of this section into their school evaluation systems, including a review of other states' Every Student Succeeds Act (ESSA) plans.
- (6) How various approaches for including such coursework in high school performance grades would impact school performance grades across the State, including sample calculations by the Department of Public Instruction.
- (7) Any other issue the Committee considers relevant to this study.

**SECTION 3.** The Committee shall meet upon the call of its cochairs. A quorum of the Committee is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. The Committee, while in the discharge of its official



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

1 duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120  
2 of the General Statutes. The Committee may contract for professional, clerical, or consultant  
3 services, as provided by G.S. 120-32.02. Members of the Committee shall receive per diem,  
4 subsistence, and travel allowance as provided in G.S. 120-3.1. The expenses of the Committee  
5 shall be considered expenses incurred for the joint operation of the General Assembly.

6 **SECTION 4.** The Legislative Services Officer shall assign professional and clerical  
7 staff to assist the Committee in its work. The Director of Legislative Assistants of the House of  
8 Representatives and the Director of Legislative Assistants of the Senate shall assign clerical  
9 support to staff the Committee.

10 **SECTION 5.** The Committee shall submit a final report on the results of its study,  
11 including any proposed legislation, to the members of the Senate and the House of  
12 Representatives on or before April 1, 2020, by filing a copy of the report with the Office of the  
13 President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives,  
14 the Joint Legislative Education Oversight Committee, and the Legislative Library. The  
15 Committee shall terminate on April 1, 2020, or upon the filing of its final report, whichever  
16 occurs first.

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



## HOUSE BILL 924: Teacher Contract Changes.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 30, 2019
<b>Introduced by:</b>	Reps. D. Hall, Horn	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition H924-CSRQ-10		Committee Counsel

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**OVERVIEW:** *House Bill 924 clarifies how much time a teacher must have already worked for a local board of education in order to be eligible for an extended employment contract.*

*The Proposed Committee Substitute makes technical changes and conforms the language to the terms used in the existing statute.*

**CURRENT LAW:** If a teacher has been employed by a local board of education for less three years, the employment contract between that teacher and the local board of education must be for a term of one year. If a teacher has been employed by a local board of education for three or more years, then the new employment contract or renewal of the employment contract can be for a term of one, two, or four years. "Year" is defined as a calendar year beginning July 1 and ending June 30.

**BILL ANALYSIS:** The Proposed Committee Substitute for House Bill 924 would clarify how much time a teacher must have already worked for a local board of education in order to be eligible for an extended employment contract. If a teacher has been employed by a local board of education for as a teacher for three consecutive years immediately preceding the effective date of the new or renewed employment contract, the new or renewed contract can be for a term of one, two, or four years.

A teacher can be deemed to have been employed for three consecutive years by a local board of education if the teacher worked for at least 120 workdays as a teacher in a full-time permanent position in each of the prior three years.

If the teacher did not work in a full-time permanent position for at least 120 workdays in a particular year because the teacher was on sick leave, disability leave, or leave under the federal Family and Medical Leave Act, that particular year will not be considered as a consecutive year of employment nor will it be considered a break in the continuity of the consecutive years of employment. As a result, the years that the teacher worked for at least 120 workdays prior to the year that the teacher did not work 120 workdays due to sick or disability leave would then be consecutive to the next year that the teacher did work at least 120 workdays.

**EFFECTIVE DATE:** The bill becomes effective when it becomes law and applies to contracts executed on or after that date.

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.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 924

Short Title: Teacher Contract Changes.

(Public)

Sponsors: Representatives D. Hall and Horn (Primary Sponsors).

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 22, 2019

A BILL TO BE ENTITLED  
AN ACT TO CLARIFY ELIGIBILITY FOR EXTENDED TEACHER CONTRACTS.  
The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-325.3(a) reads as rewritten:

"(a) Length of Contract. – A contract between the local board of education and a teacher who has been employed by the local board of education for less than three years shall be for a term of one school year. A contract or renewal of contract between the local board of education and a teacher ~~who has been employed by the local board of education for three years or more~~ shall be for a term of one, two, or four school ~~years-years~~, if all of the following apply:

- (1) The teacher has been employed by the local board of education as a teacher for three or more consecutive years immediately preceding the effective date of the contract.
- (2) The teacher worked for at least 120 days as a teacher in a full-time, permanent position in each consecutive year.
- (3) Days the teacher did not actually work because he or she was on leave shall not count toward the 120 days. If the teacher did not work 120 days in a year solely because he or she was on sick leave, disability leave, or leave taken in accordance with the Family and Medical Leave Act of 1993, the year shall not be considered a break in service and any previous consecutive years worked shall be consecutive to the following year."

**SECTION 2.** This act is effective when it becomes law and applies to contracts executed on or after that date.



\* H 9 2 4 - V - 1 \*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 924  
PROPOSED COMMITTEE SUBSTITUTE H924-CSRQ-10 [v.5]

04/26/2019 01:06:37 PM

Short Title: Teacher Contract Changes.

(Public)

Sponsors:

Referred to:

April 22, 2019

A BILL TO BE ENTITLED  
AN ACT TO CLARIFY ELIGIBILITY FOR EXTENDED TEACHER CONTRACTS.  
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-325.3 reads as rewritten:

"§ 115C-325.3. Teacher contracts.

(a) Length of Contract. – A contract between the local board of education and a teacher who has been employed by the local board of education for less than three years shall be for a term of one school year. A new contract or renewal of contract between the local board of education and a teacher who has been employed by the local board of education as a teacher for three consecutive years or more immediately preceding the effective date of the new or renewed contract shall be for a term of one, two, or four school years.

(a1) Determination of Consecutive Years of Employment. –

(1) A teacher may be deemed to have been employed for three consecutive years by a local board of education for the purposes of this section if the teacher worked for at least 120 workdays as a teacher in a full-time permanent position in each of the prior three school years.

(2) If the teacher in a full-time permanent position did not work for at least 120 workdays in a school year because the teacher was on sick leave, disability leave, or on leave taken in accordance with the federal Family and Medical Leave Act, 29 U.S.C. § 2601, et seq., for the purposes of this section, that school year shall not (i) be deemed to constitute a consecutive year of employment for the teacher nor (ii) be considered a break in the continuity of consecutive years of employment for the teacher.

...."

SECTION 2. This act is effective when it becomes law and applies to contracts executed on or after that date.



\* H 9 2 4 - C S R Q - 1 0 \*





## HOUSE BILL 859: Classroom Supplies to Teachers.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations, Education. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 30, 2019
<b>Introduced by:</b>	Reps. Saine, Elmore	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H859-CSTC-21		Committee Counsel

---

**OVERVIEW:** *The 1st edition of HB 859 would require a portion of funds from the Classroom Materials/Instructional Supplies/Equipment allotment be used for the North Carolina Classroom Supply Program (Program) to provide classroom teachers an allotment of \$400 to be used to supplement classroom materials and supplies.*

*The PCS for HB 859 would replace the requirements of the 1st edition with a new Teacher Directed Classroom Supplies Allotment of \$15 million to provide classroom teachers with \$145 through a classroom teacher electronic account for materials and supplies to supplement supplies otherwise available to the teachers. The Department of Public Instruction (DPI) would establish categories of purchases to allow comparisons to purchases from the Classroom Materials/Instructional Supplies/Equipment allotment and report those comparisons to various committees of the General Assembly.*

**CURRENT LAW:** Currently, the Classroom Materials/Instructional Supplies/Equipment allotment in the State Public School Fund provides funds for instructional materials and supplies, instructional equipment, and testing support.

**BILL ANALYSIS:** The PCS for HB 859 would do the following:

- A new allotment would be created in the State Public School Funds called the Teacher Directed Classroom Supplies Allotment (Allotment), funded by a nonrecurring appropriation of \$15 million for 2019-2020 and 2020-2021.
- The Allotment would fund the North Carolina Classroom Supply Program (Program). The Program would provide eligible classroom teachers with \$145 annually through an electronic account to purchase supplemental instructional materials and supplies.
- To be eligible for the program, a teacher must be a school-based classroom teacher employed by a public school to teach students in kindergarten through twelfth grade. Central office positions, instructional support personnel, and school-based administrators would not be eligible.
- All local school administrative units, except for the Renewal School System, would be required to participate in the program. All other public schools units, such as charter schools, regional schools, and laboratory schools, could elect to participate in the program and receive the funding. Public school units must elect to participate no later than August 1, annually.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 859

Page 2

- DPI must contract with a vendor, preferably the same system as used for the Personal Savings Account Program by the State Education Assistance Authority, to create the classroom teacher electronic accounts as a virtual e-wallet platform and e-commerce marketplace for teachers that has the ability to restrict purchases, automation for the capture of purchase receipts, and the ability to crowd-fund certain products.
- DPI must make the platform for the classroom teacher electronic accounts available for use by teachers by January 15, 2020, and must conduct training for teachers as soon as practicable in the 2019-2020 school year.
- Funds in the Program are to be used to supplement, not supplant, materials and supplies otherwise available to classroom teachers. Public school units may not mandate, direct, or encourage teachers to purchase specific materials and supplies or categories of materials or supplies. The funds may not be used to purchase electronic devices or be expended for administrative purposes. Items purchased are property of the public school unit and, if not consumed during the school year, should be made available in the following school year to classroom teachers.
- DPI must establish categories for purchases from the Allotment for comparison to purchases made through the Classroom Materials/Instructional Supplies/Equipment allotment. The Superintendent of Public Instruction must report, by May 15, 2020, on purchases made through both allotments, including comparison of purchases from each allotment by each public school unit, to the Joint Legislative Education Oversight Committee, Fiscal Research Division, the House Appropriations Education Committee, and the Senate Appropriations on Education/Higher Education Committee.

**EFFECTIVE DATE:** HB 859 would become effective July 1, 2019, and would apply beginning with the 2019-2020 school year.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 859\***

Short Title: Classroom Supplies to Teachers. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, Education, if favorable, Rules,  
Calendar, and Operations of the House

April 18, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FUNDS IN THE CLASSROOM MATERIALS,  
INSTRUCTIONAL SUPPLIES, AND EQUIPMENT ALLOTMENT FOR THE PUBLIC  
SCHOOLS SHALL BE USED FOR THE NORTH CAROLINA CLASSROOM SUPPLY  
PROGRAM TO PERMIT TEACHERS TO PURCHASE CLASSROOM SUPPLIES  
THROUGH AN ELECTRONIC ACCOUNT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Establishment of the Program. – Notwithstanding any other provision  
of law, beginning with the 2019-2020 fiscal year, funds appropriated from the General Fund to  
the Department of Public Instruction each fiscal year for the Classroom Materials/Instructional  
Supplies/Equipment allotment shall be used for the North Carolina Classroom Supply Program  
(Program) in accordance with this act. The Program shall provide for electronic access to funds  
for eligible classroom teachers to purchase supplies for their classrooms on behalf of public  
school units participating in the Program to support educational needs of the public school  
students assigned to those classroom teachers.

**SECTION 2.** Definitions. – For purposes of this act, the following definitions apply:

(1) Eligible classroom teacher. – Any school-based classroom teacher, including  
teachers for special student populations, such as exceptional children, reading  
resource, English language learners, and program enhancement courses,  
employed by a public school unit to teach students in grades kindergarten  
through twelfth grade. School personnel in central office positions,  
instructional support personnel, and school-based administrators shall not be  
deemed eligible. A classroom teacher must be employed as of August 31 of  
each fiscal year from any funds available to the public school unit to be  
eligible under this act. The public school unit may include classroom teachers  
employed after August 31 within funds available.

(2) Public school unit. – A local school administrative unit, a charter school, a  
regional school, and a school providing elementary or secondary instruction  
operated by the State Board of Education, including schools operated under  
Article 7A and Article 9C of Chapter 115C of the General Statutes, or by The  
University of North Carolina, including schools operated under Articles 4, 29,  
and 29A of Chapter 116 of the General Statutes.

**SECTION 3.** Allotment of Funds. – Of the funds allocated to local school  
administrative units from the Classroom Materials/Instructional Supplies/Equipment allotment



1 by the Department of Public Instruction each fiscal year, beginning with the 2019-2020 fiscal  
2 year, each local school administrative unit shall transfer the sum of four hundred dollars  
3 (\$400.00) per eligible classroom teacher as of August 31 each year to a program report code for  
4 a classroom teacher electronic account administered pursuant to Section 4 of this act. A public  
5 school unit, other than a local school administrative unit, may also opt in to the Program by  
6 August 1 of the fiscal year using funds available to that public school unit. The local school  
7 administrative unit operating a renewal school system plan pursuant to Section 6 of S.L. 2018-32  
8 shall also not be required to participate in the Program but may opt in to the Program in  
9 accordance with this section.

10 **SECTION 4.(a)** Program Administration. – The Department of Public Instruction  
11 shall utilize the same administrative system used by the North Carolina State Education  
12 Assistance Authority (Authority) to manage funds for the Personal Education Savings Account  
13 Program pursuant to G.S. 115C-597 and shall model its contract in a manner that meets the  
14 requirements of this act and includes capabilities for at least the following:

- 15 (1) The ability to restrict purchases, which may include an automated prior  
16 authorization process for allowable purchases or reimbursement of allowable  
17 purchases.
- 18 (2) Automation for the capture of purchase receipts, which shall be required for  
19 the Department of Public Instruction and the teacher to store electronically for  
20 a total of four years for reporting and audit purposes, and transparent  
21 transactions, making accountability and tracking simple.
- 22 (3) Ability for teachers to crowd-fund for certain products.

23 **SECTION 4.(b)** In the event that the vendor contracted with the Authority is unable  
24 to meet the requirements of the Program, then the Department shall contract with a vendor that  
25 provides a virtual e-wallets platform and an e-commerce marketplace that enables teachers to  
26 receive and spend funds online and includes the capabilities described in subsection (a) of this  
27 section.

28 **SECTION 5.** Use of Funds for the Program. – The funds appropriated for the  
29 Program shall be used to supplement the materials and supplies otherwise available to classroom  
30 teachers. Classroom supply funds made available under the Program shall not be used to purchase  
31 electronic devices, such as computers, or software and shall not be expended for administrative  
32 purposes. Eligible classroom teachers shall utilize these funds in a manner that addresses  
33 individual classroom needs and supports the overall goals of the school regarding supplies and  
34 instructional materials. Any supplies purchased by teachers through the Program shall be the  
35 property of the public school unit. Supplies not consumed during the school year shall be made  
36 available to the teacher for the following school year or for other eligible classroom teachers as  
37 appropriate. Any unexpended funds in the classroom teacher accounts established in Section 3  
38 of this act shall revert to the General Fund at the end of each fiscal year.

39 **SECTION 6.** This act becomes effective July 1, 2019, and applies beginning with  
40 the 2019-2020 school year.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**D**

**HOUSE BILL 859  
PROPOSED COMMITTEE SUBSTITUTE H859-CSTC-21 [v.5]**

04/29/2019 12:25:54 PM

Short Title: Classroom Supplies to Teachers.

(Public)

Sponsors:

Referred to:

April 18, 2019

A BILL TO BE ENTITLED  
AN ACT TO CREATE THE NORTH CAROLINA CLASSROOM SUPPLY PROGRAM TO  
PERMIT ELIGIBLE CLASSROOM TEACHERS TO PURCHASE CLASSROOM  
SUPPLIES THROUGH AN ELECTRONIC ACCOUNT.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Establishment of the Program. – The North Carolina Classroom Supply Program (Program) is created in accordance with this act. Beginning with the 2019-2020 fiscal year, the Program shall provide for electronic access to funds from the Teacher Directed Classroom Supplies Allotment, established by this act, for eligible classroom teachers to purchase supplies for their classrooms on behalf of public school units participating in the Program to support educational needs of the public school students assigned to those classroom teachers. Effective July 1, 2019, the Teacher Directed Classroom Supplies Allotment (Allotment) is created in the State Public School Fund for the purposes of establishing and implementing the Program in accordance with this act.

**SECTION 1.(b)** Definitions. – For purposes of this act, the following definitions apply:

- (1) Eligible classroom teacher. – Any school-based classroom teacher, including teachers for special student populations such as exceptional children, reading resource, English language learners, and program enhancement courses, employed by a public school unit to teach students in kindergarten through twelfth grade. School personnel in central office positions, instructional support personnel, and school-based administrators shall not be deemed eligible. A classroom teacher must be employed as of August 31 of each fiscal year for any funds available to the public school unit to be eligible under this act. The public school unit may include classroom teachers employed after August 31 within funds available.
- (2) Public school unit. – A local school administrative unit, a charter school, a regional school, and a school providing elementary or secondary instruction operated by the State Board of Education, including schools operated under Article 7A and Article 9C of Chapter 115C of the General Statutes, or by The University of North Carolina, including schools operated under Article 4, Article 29, and Article 29A of Chapter 116 of the General Statutes.

**SECTION 1.(c)** Allotment of Funds. – Funds from the Allotment shall be transferred only to participating public school units by the Department of Public Instruction. All local school administrative units, except for the local school administrative unit operating a renewal school system plan pursuant to Section 6 of S.L. 2018-32, shall participate in the Program and shall



1 provide all information required by the Department of Public Instruction for administration of  
2 the Program. All other public school units may elect to participate in the Program no later than  
3 August 1 of each fiscal year. The Department of Public Instruction, each fiscal year, beginning  
4 with the 2019-2020 fiscal year, shall transfer for each participating public school unit the sum of  
5 one hundred forty-five dollars (\$145.00) per eligible classroom teacher as of August 31 of each  
6 year to a program report code for a classroom teacher electronic account administered pursuant  
7 to subsection (d) of this section.

8 **SECTION 1.(d)** Program Administration. – The Department of Public Instruction  
9 shall utilize the same administrative system used by the North Carolina State Education  
10 Assistance Authority (Authority) to manage funds for the Personal Education Savings Account  
11 Program pursuant to G.S. 115C-597 and shall model its contract in a manner that meets the  
12 requirements of this act and includes capabilities for at least the following:

13 (1) The ability to restrict purchases, which may include an automated prior  
14 authorization process for allowable purchases or reimbursement of allowable  
15 purchases.

16 (2) Automation for the capture of purchase receipts, which the Department of  
17 Public Instruction and the eligible classroom teacher shall be required to store  
18 electronically for a total of four years for reporting and audit purposes, and  
19 transparent transactions, making accountability and tracking simple.

20 (3) Ability for eligible classroom teachers to crowd-fund for certain products.

21 **SECTION 1.(e)** In the event that the vendor contracted with the Authority is unable  
22 to meet the requirements of the Program, then the Department shall contract with a vendor that  
23 provides a virtual e-wallets platform and an e-commerce marketplace that enables eligible  
24 classroom teachers to receive and spend funds online and includes the capabilities described in  
25 subsection (d) of this section.

26 **SECTION 1.(f)** The Department of Public Instruction shall make the platform  
27 selected for the classroom teacher electronic accounts available for use by eligible classroom  
28 teachers no later than January 15, 2020. The Department of Public Instruction shall conduct  
29 training for eligible classroom teachers on the use of the selected platform as soon as practicable  
30 in the 2019-2020 school year.

31 **SECTION 1.(g)** Use of Funds for the Program. – The funds appropriated by this act  
32 to the Department of Public Instruction for the 2019-2021 fiscal biennium for the Program shall  
33 be used to supplement, not supplant, the materials and supplies otherwise available to eligible  
34 classroom teachers and for the Department of Public Instruction to provide training to eligible  
35 classroom teachers on use of the platform selected for the classroom teacher electronic accounts  
36 under subsection (d) or (e) of this section. A public school unit shall not mandate, direct, or  
37 encourage eligible classroom teachers to purchase specific materials and supplies or categories  
38 of materials and supplies. Classroom supply funds made available under the Program shall not  
39 be used to purchase electronic devices, such as computers or software, and shall not be expended  
40 for administrative purposes. Eligible classroom teachers shall utilize these funds in a manner that  
41 addresses individual classroom needs and supports the overall goals of the school regarding  
42 supplies and instructional materials. Any supplies purchased by eligible classroom teachers  
43 through the Program shall be the property of the public school unit. Supplies not consumed during  
44 the school year shall be made available to the eligible classroom teacher for the following school  
45 year or for other eligible classroom teachers as appropriate. Any unexpended funds in the  
46 classroom teacher electronic accounts established in subsection (c) of this section shall revert to  
47 the General Fund at the end of each fiscal year.

48 **SECTION 1.(h)** The Department of Public Instruction shall establish categories of  
49 purchases for the Allotment that can be compared to purchases made through the Classroom  
50 Materials/Instructional Supplies/Equipment allotment. The Superintendent of Public Instruction  
51 shall report to the Joint Legislative Education Oversight Committee, the Fiscal Research



1 Division, the House Appropriations Education Committee, and the Senate Appropriations on  
2 Education/Higher Education Committee by May 15, 2020, on purchases made through both  
3 allotments, including comparisons by categories of purchases from each allotment by each public  
4 school unit.

5 **SECTION 1.(i)** There is appropriated from the General Fund to the Department of  
6 Public Instruction the sum of fifteen millions dollars (\$15,000,000) in nonrecurring funds for the  
7 2019-2020 fiscal year and fifteen millions dollars (\$15,000,000) in nonrecurring funds for the  
8 2020-2021 fiscal year for the establishment of the Teacher Directed Classroom Supplies  
9 Allotment in the State Public School Fund. Funds in the Teacher Directed Classroom Supplies  
10 Allotment shall be distributed as provided in this act.

11 **SECTION 2.** This act is effective July 1, 2019, and applies beginning with the  
12 2019-2020 school year.





**House Committee on Education K-12  
Wednesday, June 5, 2019 at 9:00 AM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 9:00 a.m. on June 5, 2019 in Room 643 of the Legislative Office Building. Representatives Elmore, Horn and Johnson – Co-Chairs; Representatives Blackwell and Brockman-Vice-Chairs; and Representatives Ball, Beasley, Brewer, Brody, Clemmons, Corbin, Farmer-Butterfield, Fisher, Fraley, Gill, Graham, Hardister, Henson, Iler, Lucas, Meyer, Potts, Riddell, Smith, Strickland, Turner and White were in attendance. Also in attendance were Senator Brown, and McGinnis.

Representative Elmore, Co-Chair, called the meeting to order at 9:04 a.m. and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

The following bills were considered:

**SB 448, Amend Appt for Compact on Education Military** (Primary Sponsor: Senator Brown), (Attachment 5)

Rep. Elmore recognized Senator Brown to present and explain the bill. Senator Brown explained the bill would amend the requirements for an individual to be appointed as compact commissioner under the Interstate Compact on Educational Opportunity for Military Children. The change removes the requirement that the compact commissioner be a licensed North Carolina attorney who represents at least one local board of education or an attorney familiar with military issues. Rep. Elmore asked if there were any questions, seeing none, Rep. Elmore recognized Rep. Lucas for a motion. Rep. Lucas motioned for a favorable report with a re-referral to House Rules. Rep. Elmore put the motion before the committee for a vote, the ayes have it, the bill passed.

**SB 219, Modify Teacher Licensing Requirements** (Primary Sponsors: Senator McInnis, Tillman and Johnson), (Attachment 6)

Rep. Elmore announced there is a **PCS, S219-CSTC-30 [v.6]**, (Attachment 7), asked if there were any objections, seeing none, the PCS is before the committee. Rep. Elmore recognized Senator McInnis to explain the PCS. Senator McInnis explained that a part of the bill came over from the Senate to attack the gross inequity in our ability to hire teachers and keep them on the job in North Carolina. There is a test that test our teachers on many issues that are not relevant to their ability to deliver the curriculum to teach in the classroom. Many teachers can't pass the test. He has an



immediate problem, there are many teachers in his district that will be losing their jobs this year if there is not a change. The bill would grant a limited license for 3 years while they can fulfill their obligation of their licensure. There is a teacher shortage in North Carolina. This bill should help alleviate some of the problems. Rep. Elmore recognized research staff to explain the other parts of the bill. Staff explained Part 2, that out of state teachers in good standing would be eligible for a transitional license, which would be a 3 year license based on their status in the other state. The local Board of Education would pay for the teacher based on the experience credits. Part 3 will change the permanent teaching license for lifetime licensure from 50 or more years to 30 years. Part 4, authorizes State Board of Education to adopt emergency rules to implement the requirements of this bill for the next school year. Rep. Elmore asked if there were any questions. Rep. Graham, Blackwell, White and Farmer-Butterfield all had questions. The questions were answered by Mr. Thomas Tomberlin from North Carolina Department of Public Instruction and research staff. Rep. Elmore asked if there were any other further questions, seeing none, he recognized Rep. Clemmons for a motion. Rep. Clemmons made a motion for a favorable report to the Proposed Committee Substitute and an unfavorable report to the original bill with a referral to House Rules. Rep. Elmore brought the motion before the committee and asked for a vote, the ayes have it, the bill passed.

**SB 500, Modify Advanced Math Course Enrollment** (Primary Sponsors: Senator Smith, Tillman and Chaudhuri), (Attachment 8)

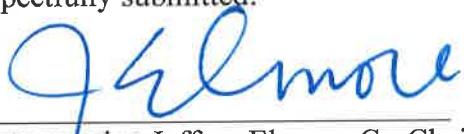
Rep. Elmore announced there is a PCS, S500-CSTC-27 [v.11], (Attachment 9), he asked if there were any objections, seeing none the PCS is before the committee. Rep. Elmore recognized Rep. Grange to explain the bill. Rep. Grange explained that the bill would replace level 5 on the end of grade and end of course exams with the term highest level. The bill changes level 5 to the highest level. Requires local board of educations to offer advances opportunities in 3-5<sup>th</sup> grade when practicable, rather than advance courses, eliminate requirement that 7<sup>th</sup> grade students who score at the highest level be enrolled in high school math course in 8<sup>th</sup> grade, requires parents be adequately informed that the student's advanced learning opportunity or advanced course placement was due to the student's achievement on the prior math course test before that parent can consent to the student's removal from the placement. Requires that the Department of Public instruction submit an annual report to the Joint Legislative Education Oversight Committee on the number and demographics of students eligible for advanced math courses and that begins on December 15, 2020. It also requires that the Department of Public Instruction provide guidance to local boards for education on how best to develop the programming and courses to ensure all impacted students receive rigorous, academically appropriate instruction in Math, requires each local board of education to develop a plan to the Superintendent of Public Instruction by January 15, 2020, Requires the Superintendent of Public Instruction to compile the plan submitted by the local boards of education into a summary report, and prohibits local boards of education from being required to comply with the advanced course placement requirement for 6<sup>th</sup>-12<sup>th</sup> grade for the 2019-2020 school year. In essence the PCS delays the implementation of the program so that local boards of education and The Department of Public instruction can adequately plan for the implementation. Elmore asked if there were any questions for concerns. Rep. Blackwell, Meyer, Clemmons, Ball, Fisher, Iler all were recognized for questions. Rep. Horn, Elmore, staff and Ms. Sneha Shah-Coltrane, Director, Advance Learning, at the Department of Public Instruction all



addressed the member's questions and concerns. Rep. Elmore ask if there were any further questions, seeing none, he recognized Rep. Clemmons for a motion. Rep. Clemmons motioned for a favorable report to the Proposed Committee Substitute and an unfavorable report to the original bill with a re-referral to the House Rules. Rep. Elmore put the motion before the members and asked for a vote, the ayes have it, the bill passed.

There being no further business before the Committee, Representative Elmore adjourned the meeting at 1:50 p.m.

Respectfully submitted:



Representative Jeffrey Elmore, Co-Chair



Linda M. Stevenson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. SB 448 and Summary
6. SB 219 and Summary
7. PCS, S219-CSTC-30 [v.6]
8. SB 500 and Summary
9. PCS, S500-CSTC-27 [v.11]





**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Wednesday, June 5, 2019

**TIME:** 9:00 AM

**LOCATION:** 643 LOB

**COMMENTS:** Rep. Elmore, Co-chair, presiding

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 354</u>	Student Notice/Charter School Closure/Restr.	Senator Ballard Senator Edwards Senator Harrington Senator Brown
<u>SB 448</u>	Amend Appt For Compact on Education/Military.	
<u>SB 500</u>	Modify Advanced Math Course Enrollment.	Senator Smith Senator Tillman Senator Chaudhuri
<u>SB 219</u>	Modify Teacher Licensing Requirements.	Senator McInnis Senator Tillman Senator Johnson

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:55 PM on Friday, May 31, 2019.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk -- House Chamber

Linda Stevenson (Committee Assistant)



Updated #1: REMOVE SB 354

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Wednesday, June 5, 2019  
**TIME:** 9:00 AM  
**LOCATION:** 643 LOB  
**COMMENTS:** Rep. Elmore, Co-chair, presiding

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 448</u>	Amend Appt For Compact on Education/Military.	Senator Brown
<u>SB 500</u>	Modify Advanced Math Course Enrollment.	Senator Smith Senator Tillman Senator Chaudhuri
<u>SB 219</u>	Modify Teacher Licensing Requirements.	Senator McInnis Senator Tillman Senator Johnson

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:08 PM on Tuesday, June 04, 2019.

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

Linda Stevenson (Committee Assistant)



**House Committee on Education - K-12**  
**Wednesday, June 5, 2019, 9:00 AM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**  
Representative Elmore, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 448	Amend Appt For Compact on Education/Military.	Senator Brown
SB 500	Modify Advanced Math Course Enrollment.	Senator Smith Senator Tillman Senator Chaudhuri
SB 219	Modify Teacher Licensing Requirements.	Senator McInnis Senator Tillman Senator Johnson

**Presentations**

**Other Business**

**Adjournment**



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

SB 448 Amend Appt For Compact on Education/Military.  
Draft Number: None  
Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Martin

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

SB 219 (CS#1) Modify Teacher Licensing Requirements.  
Draft Number: S219-PCS15355-TC-30  
Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Elmore

SB 500 (CS#1) Modify Advanced Math Course Enrollment.  
Draft Number: S500-PCS35290-TC-27  
Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE  
Recommended Referral: None  
Long Title Amended: Yes  
Floor Manager: Grange

TOTAL REPORTED: 3







# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	6/5/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	✓																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	-																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	✓																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		

DATES	6/5/19																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Rena Turner	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	

**House Pages  
Assignments  
Tuesday, June 04, 2019  
Session: 3:00 PM**

Committee	Room	Time	Staff	Comments	Member
Finance	544	8:30 AM	Elizabeth Colston		Rep. Michael H. Wray
			Lanie Norris		Rep. Larry C. Strickland
			Jared Reeder		Rep. Allen McNeill
			Alexandra Rupkalvis		Rep. Frank Iler
			Lauren Seshul		Rep. Jay Adams
Education - K-12	643	9:00 AM	Cabell Anderson		Speaker Tim Moore
			Elizabeth Anderson		Speaker Tim Moore
			Emily Cawood		Rep. Donnie Iambeth
			Andrew Spratley		Rep. Michael Speciale

PAGES



Committee Sergeants at Arms

House Committee on Education K - 12

NAME OF COMMITTEE \_\_\_\_\_

DATE: 06-05-2019 \_\_\_\_\_

Room: 643 LOB \_\_\_\_\_

House Sgt-At Arms:

1. Name: Terry McCraw \_\_\_\_\_
2. Name: Jim Moran \_\_\_\_\_
3. Name: Thomas Terry \_\_\_\_\_
4. Name: Warren Hawkins \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-05-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

James Norment	Ward and Smith PA
Zane Stilwell	TSG
Ed Hanes	The Hanes Group
Richard Bostic	NC SBA
Lee T. Myers	TAG
Shye David	af
Undsay Byers	NCLASPA
Abby Cooper	OCRCC
Brad Davis	NCGA
Clare Kilmartin	Governor's Office
Geoff Coltrane	Gov. Office
Tom Tomberlin	NCDPI
Ignace Ridgway	BEST NC
eculaff/de	NC SBE





# VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-05-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Leah Sutton

Best NC

Sheha Shah Coltrane

NCDPI

Kevin Wilkins

NCDPI

Nicky Butera

NCDPI

Flin + Benson

SEANC

Shelly Parkinson

Parkinson Law

Katherine Joyce

NCASA

Elizabeth Yelverton

NCASA

Bryan D. Halloway

Halloway Group LLC

Adam Prodanore

NCTEE

Bruce Mildner

NCSTA



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-05-2019



Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

Lisa Martin	Cup- Ad
M Hill	Sm Kite
Jess Bousquette	Public School Forum of AK
Caleb Fisher	Intern
Joy Harris	DEQ
Canaan Huie	MVA
Sarah Wolf	MWC
Myles Payne	NEASWED
Bayan Evans	NEASWED
David Smeets	governor's office
	



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-05-2019

Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

Amanda Donovan	KTS
Tommy Stevens	Stevens Lobby
Al Kibby	CAA
JUSAN HARRISON	NCDTSEA
Andy G	NCDM
Chy Bood	N/MS
David Ferrell	NP
Henry Jones	Jordan Price, etc.
Kevin Daniels	Centeret Community college
Billy Prestage	Prestage Farms
Vanna Prestage	Prestage Farms



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-05-2019

Name of Committee

Date \_\_\_\_\_

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NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

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Edna Wallace

RTI





# VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-05-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Amanda Falkenberg

JDA

Leanne Wimmer

NCSBA

Paula Berlin

PBLA





## SENATE BILL 448: Amend Appt For Compact on Education/Military.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 5, 2019
<b>Introduced by:</b>	Sen. Brown	<b>Prepared by:</b>	Drupti Chauhan*
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** *Senate Bill 448 would amend the requirements for an individual to be appointed as compact commissioner under the Interstate Compact on Educational Opportunity for Military Children.*

**CURRENT LAW:** G.S. 115C-407.5 sets out the Interstate Compact on Educational Opportunity for Military Children (Compact). Under the Compact, the compact commissioner is responsible for the administration and management of the State's participation in the Compact and must be appointed by the Governor or as otherwise determined by each member state. In North Carolina, the Governor appoints the compact commissioner who is the voting representative of the State in the Interstate Commission created by the Compact.

G.S. 115C-407.7 requires the Governor to appoint as the compact commissioner a licensed North Carolina attorney who represents at least one local board of education, with preference given to an attorney representing a local board of education with a high concentration of military children, or an attorney familiar with military issues.

**BILL ANALYSIS:** Senate Bill 448 would remove the requirement that the compact commissioner be a licensed North Carolina attorney who represents at least one local board of education or an attorney familiar with military issues. Instead, the Governor would be required to appoint an individual who represents at least one local board of education with a high concentration of military children.

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

*\*Samantha Yarborough, Committee Counsel, substantially contributed to this summary.*

Karen Cochran-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.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 448\*

Short Title: Amend Appt For Compact on Education/Military. (Public)  
Sponsors: Senator Brown (Primary Sponsor).  
Referred to: Rules and Operations of the Senate

April 2, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE REQUIREMENTS FOR AN INDIVIDUAL APPOINTED AS  
3 COMPACT COMMISSIONER UNDER THE INTERSTATE COMPACT ON  
4 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-407.7 reads as rewritten:

7 **"§ 115C-407.7. Appointment of compact commissioner.**

8 As required by Article VIII of the compact, the Governor shall appoint as compact  
9 commissioner ~~a licensed North Carolina attorney~~ an individual who represents at least one local  
10 board of education, ~~with preference given to an attorney representing a local board of education~~  
11 ~~with a high concentration of military children or an attorney familiar with military issues.~~  
12 children. The compact commissioner shall be responsible for the administration and management  
13 of the State's participation in the compact."

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



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## SENATE BILL 219: Modify Teacher Licensing Requirements.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 5, 2019
<b>Introduced by:</b>	Sens. McInnis, Tillman, Johnson	<b>Prepared by:</b>	Kara McCraw* Committee Counsel
<b>Analysis of:</b>	PCS to Second Edition S219-CSTC-30		

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**OVERVIEW:** *The 2nd edition of SB 219 would make various changes related to testing to the initial professional teacher (IPL) licensure statutes, create a one-year IPL extension for certain teachers, and create a new limited teaching license for individuals who do not meet the criteria for a continuing professional license.*

*The PCS for SB 219 would make the following changes:*

- *Provide for a three-year transitional license for teachers from other states and authorize local boards of education to determine experience credit for those teachers to pay them at the commensurate level on the State salary schedule during the first year of the license.*
- *Reduce the service requirement for a lifetime teaching license from 50 years to 30 years.*

### CURRENT LAW AND BILL ANALYSIS:

#### Part I: Modifications to Initial Professional Licenses

**Current Law:** G.S. 115C-270.20 defines an initial professional license (IPL) as a three-year nonrenewable license issued to an individual who has successfully completed a recognized educator preparation program and meets other requirements set by the State Board. G.S. 115C-270.15 requires applicants for an IPL to complete a standardized exam related the licensure content area. Applicants seeking licensure in elementary education and special education general curriculum must also take tests or subtests specific to teaching reading and mathematics. Individuals with an IPL have until the end of their second year of teaching to pass the licensure exams, provided that they have at least attempted the exams during their first year of teaching.

**Bill Analysis:** Part I would clarify that the State Board is responsible for monitoring teachers' compliance with the licensure exam requirements established by G.S. 115C-270.15, effective for licenses issued July 1, 2019. Additionally, it would clarify that teachers must meet the exam requirements by the end of the third year of their IPL rather than their second year of teaching. The State Board would be prohibited from converting an IPL to a CPL for a teacher who has not fulfilled the testing requirements.

Part I would create a new teaching license, called a limited license, for certain teachers who are not eligible for a CPL. A limited license would be valid for three years and could not be renewed. The limited license could only be requested by the local board of education currently employing the teacher, and would only be valid in that local school administrative unit (LEA). All of the following would be required for the State Board to issue a limited license:

- The teacher was issued an IPL but did not qualify for a CPL due to a failure to fulfill the licensure exam requirements.

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.*

# Senate PCS 219

Page 2

- The employing local board of education submitted to the State Board an affidavit signed by the teacher's principal and superintendent attesting to the fact that the individual is an effective teacher and will be encouraged to continue to pursue a CPL.

Additionally, Part I would provide a one-year extension for elementary education (K-6) or special education general curriculum teachers with an initial professional license that is set to expire June 30, 2019, due to the failure to fulfill the licensure examination requirements.

## **Part II: Modifications to Out-of-State License Applicants**

**Current Law:** Under G.S. 115C-270.20, a CPL is a five-year renewable license issued to a teacher who has at least three years of licensed teaching experience, and who meets other requirements set by the State Board. G.S. 115C-270.25 requires teachers with a license from another state to show evidence of their effectiveness as a teacher when seeking licensure in North Carolina. Out-of-state teachers that have such evidence can receive a CPL, assuming they have at least three years of licensed teaching experience, but out-of-state teachers without such evidence are only eligible for an IPL, regardless of years of experience.

**Bill Analysis:** Part II would create a transitional license (TL), which would be a three-year nonrenewable license issued to individuals with a current license in good standing in another state. The TL would have to be requested by a local board of education. An individual applying for a TL would not be required to show evidence of effectiveness in order to obtain the license, but the individuals could still apply for a CPL if they had at least three years of licensed teaching experience and evidence of effectiveness. Otherwise, they could convert the TL to a CPL after three years of teaching in North Carolina.

Additionally, Part II would authorize local boards of education to determine the experience credit for teachers with a TL during the first year of the license, which determines how much that teacher would be paid with State-allotted funds. The local board of education and the teacher would not be responsible for the repayment of any overpayment of State funds if the experience credit determination was done in good faith and in accordance with State Board guidelines. After the first year of the TL, the State Board would determine the appropriate experience credit and thereby determine the teacher's placement on the State salary schedule, regardless of the pay that the teacher received during the first year of the TL.

## **Part III: Modifications to Lifetime Teaching Licenses**

**Current Law:** A lifetime license, as defined by G.S. 115C-270.20(a)(4), is a permanent license issued to a teacher with 50 or more years of teaching as a licensed teacher that requires no renewal. A retirement license, as defined by G.S. 115C-270.20(a)(6), is a five-year renewable license issued to a teacher retired with 30 or more years of teaching who has been employed after retirement as a substitute teacher or part-time provider of certain educational services for schools.

**Bill Analysis:** Part III would reduce the service requirement for a lifetime license from 50 years to 30 years, and make a conforming change to eliminate retirement licenses.

## **Part IV: Emergency Rulemaking**

**Current Law:** G.S. 115C-270.20 requires the State Board of Education to adopt rules for issuance of teacher licenses.

**Bill Analysis:** Part IV would authorize the State Board of Education to adopt emergency rules to implement the requirements of the act in accordance with its timeline.

**EFFECTIVE DATE:** SB 219 would become effective when it becomes law and, would apply beginning with applications for teacher licensure submitted on or after the eighteenth day following the effective date of the act.

*\*This bill summary was substantially contributed to by Brian Gwyn, Committee Counsel.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 219  
Education/Higher Education Committee Substitute Adopted 5/1/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S219-CSTC-30 [v.6]  
06/04/2019 04:38:36 PM

Short Title: Modify Teacher Licensing Requirements.

(Public)

Sponsors:

Referred to:

March 12, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODIFY TEACHER LICENSURE REQUIREMENTS.  
The General Assembly of North Carolina enacts:

**PART I: MODIFICATIONS TO INITIAL PROFESSIONAL LICENSES**

**SECTION 1.1** G.S. 115C-270.15 reads as rewritten:

**"§ 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 (IPL) 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-examination~~ requirement before or during the ~~applicant's second year of teaching, third year of the IPL,~~ provided the applicant took the examination at least once during the first year of ~~teaching the license.~~

(d) Monitoring Compliance. – For teachers with an IPL, the State Board shall direct the Department of Public Instruction to monitor the teachers' compliance with this section throughout the duration of the IPL. In the event a teacher is not in compliance with any of the requirements of this section, the Department shall notify the teacher.

(e) Conversion to Continuing Professional License. – The State Board shall not convert an IPL to a continuing professional license for a teacher who has not fulfilled the examination requirements of this section."



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1       **SECTION 1.2.** G.S. 115C-270.20(a) is amended by adding a new subdivision to  
2 read:

3       "(4a) Limited license. – A three-year nonrenewable license issued to an individual  
4 who meets the requirements of this subdivision. A limited license shall only  
5 be requested by the local board of education currently employing the  
6 individual and shall be used for continued employment only in that local  
7 school administrative unit. To receive a limited license, the following  
8 requirements shall be met:

9       a. The individual was issued an IPL but did not qualify for a CPL under  
10 G.S. 115C-270.15(e).

11       b. The local board of education submits to the State Board an affidavit  
12 stating that the teacher is an effective teacher and will be encouraged  
13 to continue to pursue a CPL. The affidavit shall be signed by both the  
14 principal and superintendent for the school to which the teacher is  
15 currently assigned."

16       **SECTION 1.3.** Elementary education (K-6) or special education general curriculum  
17 teachers with an initial professional license that is set to expire June 30, 2019, due to the failure  
18 to fulfill the licensure examination requirements pursuant to G.S. 115C-270.15, shall be granted  
19 an extension until June 30, 2020.

20       **SECTION 1.4.** The State Board shall comply with G.S. 115C-270.15(d), as enacted  
21 by this act, beginning with applicants for teacher licensure on or after July 1, 2019.

## 22 23 **PART II: MODIFICATIONS TO OUT-OF-STATE LICENSE APPLICANTS**

24  
25       **SECTION 2.1** G.S. 115C-270.20(a) reads as rewritten:

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       ...

29       (7) Transitional license or TL. – A three-year nonrenewable license issued to an  
30 individual who holds current teacher licensure in another state that is in good  
31 standing. A transitional license shall only be requested by a local board of  
32 education. The individual may begin the application process to meet the  
33 requirements for a continuing professional license as an out-of-state applicant  
34 while holding the transitional license.

35       ...."

36       **SECTION 2.2** G.S. 115C-270.25 reads as rewritten:

37       **"§ 115C-270.25. Out-of-state license applicants.**

38       Initial applications for a continuing professional license from an individual with an  
39 out-of-state teacher's license shall require the applicant to provide evidence of that teacher's  
40 effectiveness, when available, as measured by the evaluation system used in that applicant's state  
41 of current licensure at the time of application, including any growth measures included in that  
42 evaluation system. ~~Applications that include the evidence of that educator's effectiveness shall~~  
43 ~~be prioritized for review over initial applications from applicants with out-of-state licenses that~~  
44 ~~do not include that information.~~ An individual who does not include evidence of that teacher's  
45 effectiveness with the initial application shall only be eligible for ~~an IPL~~ a TL until the teacher  
46 has completed three years of licensed teaching in North Carolina."

47       **SECTION 2.3** G.S. 115C-302.1 is amended by adding a new subsection to read:

48       "(b3) Pay for Teachers with a Transitional License. – Notwithstanding any other provision  
49 of law, a local board of education that employs a teacher who is licensed with a three-year  
50 transitional license pursuant to G.S. 115C-270.20(a)(7) shall determine experience credit for that  
51 teacher for the purposes of paying the teacher with State-allotted funds in accordance with the

1 State salary schedule for teachers during the first year of the license. Notwithstanding subsection  
2 (f) of this section, the local board of education and the teacher shall not be responsible for the  
3 repayment of any overpayment of State funds due to misapplication of experience credit for the  
4 State salary schedule when the determination of experience credit was done in good faith based  
5 on the teacher's prior employment record and the guidelines established by the State Board of  
6 Education for awarding experience credit. A teacher paid in accordance with this subsection shall  
7 not be entitled to the same pay on the State salary schedule for teachers for subsequent school  
8 years after the State Board determines the appropriate experience credit for that teacher."

9 **SECTION 2.4.** G.S. 93B-15.1(i) reads as rewritten:

10 "(i) For the purposes of this section, the State Board of Education shall be considered an  
11 occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V  
12 of Chapter 115C of the General Statutes. In addition to the provisions for licensure provided by  
13 this section, a local board of education may request a three-year transitional license for a military  
14 spouse who holds a current teaching license in another jurisdiction pursuant to  
15 G.S. 115C-270.20(a)(7)."

### 16 17 **PART III: MODIFICATIONS TO LIFETIME TEACHING LICENSES**

18  
19 **SECTION 3.1.** G.S. 115C-270.20(a)(4) reads as rewritten:

20 "(4) Lifetime license. – A license issued to a teacher after ~~50~~30 or more years of  
21 teaching as a licensed teacher that requires no renewal."

22 **SECTION 3.2.** G.S. 115C-270.20(a)(6) is repealed.

23 **SECTION 3.3.** G.S. 115C-270.30(b)(3) is repealed.

### 24 25 **PART IV: EMERGENCY RULE MAKING AUTHORITY**

26  
27 **SECTION 4.** As soon as practicable, and no more than 10 calendar days from the  
28 effective date of this act, the State Board of Education shall adopt emergency rules for the  
29 implementation of this act in accordance with G.S. 150B-21.1A. This section does not require  
30 any rule making if not otherwise required by law.

### 31 32 **PART V: EFFECTIVE DATE**

33 **SECTION 5.** This act is effective when it becomes law and, except as otherwise  
34 provided in this act, applies beginning with applications for teacher licensure submitted on or  
35 after the eighteenth day following the effective date of the act.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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2

SENATE BILL 219  
Education/Higher Education Committee Substitute Adopted 5/1/19

Short Title: Modify Teacher Licensing Requirements.

(Public)

Sponsors:

Referred to:

March 12, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODIFY TEACHER LICENSURE REQUIREMENTS.  
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-270.15 reads as rewritten:

"§ 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 (IPL) 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-examination~~ requirement before or during the applicant's second year of teaching, third year of the IPL, provided the applicant took the examination at least once during the first year of ~~teaching the license~~.

(d) Monitoring Compliance. – For teachers with an IPL, the State Board shall direct the Department of Public Instruction to monitor the teachers' compliance with this section throughout the duration of the IPL. In the event a teacher is not in compliance with any of the requirements of this section, the Department shall notify the teacher.

(e) Conversion to Continuing Professional License. – The State Board shall not convert an IPL to a continuing professional license for a teacher who has not fulfilled the examination requirements of this section."

SECTION 2. G.S. 115C-270.20(a) is amended by adding a new subdivision to read:

"(4a) Limited license. – A three-year nonrenewable license issued to an individual who meets the requirements of this subdivision. A limited license shall only be requested by the local board of education currently employing the



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individual and shall be used for continued employment only in that local school administrative unit. To receive a limited license, the following requirements shall be met:

- a. The individual was issued an IPL but did not qualify for a CPL under G.S. 115C-270.15(e).
- b. The local board of education submits to the State Board an affidavit stating that the teacher is an effective teacher and will be encouraged to continue to pursue a CPL. The affidavit shall be signed by both of the following individuals for the school to which the teacher is currently assigned:
  1. The principal.
  2. The superintendent.
- c. The local school administrative unit in which the teacher is currently employed is located in one of the following:
  1. A development tier one area, as defined by G.S. 143B-437.08.
  2. A development tier two area, as defined by G.S. 143B-437.08.
  3. A development tier three area, as defined by G.S. 143B-437.08, with a population of less than 100,000, according to the most recent federal census."

**SECTION 2.5.** Elementary education (K-6) or special education general curriculum teachers with an initial professional license that is set to expire June 30, 2019, due to the failure to fulfill the licensure examination requirements pursuant to G.S. 115C-270.15, shall be granted an extension until June 30, 2020.

**SECTION 3.** This act is effective when it becomes law. The State Board shall comply with G.S. 115C-270.15(d), as enacted by this act, beginning with applicants for teacher licensure on or after July 1, 2019.





## SENATE BILL 500: Modify Advanced Math Course Enrollment.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 5, 2019
<b>Introduced by:</b>	Sens. Smith, Tillman, Chaudhuri	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	PCS to Third Edition S500-CSTC-27		Committee Co-Counsel

**OVERVIEW:** *The 3rd edition of SB 500 would clarify requirements for advanced math course enrollment and require reporting on advance math course enrollment. The Proposed Committee Substitute (PCS) would remove the high school math placement requirement, extend certain reporting and implementation deadlines by one year, and require the submission of implementation plans.*

**CURRENT LAW:** G.S. 115C-81.36 requires, when practicable, that local boards of education offer advanced courses in mathematics in grades 3 and higher. When advanced courses are offered, students who score at a level five (the current highest level) on an end-of-grade (EOG) or end-of-course (EOC) test in that student's most recent math class must be enrolled in the advanced course of the next math class the student takes. Additionally, for 7th graders, a student scoring at a level five must be enrolled in a high school level math class in 8th grade. Students cannot be removed from the advanced course unless the student's parent or guardian provides written consent.

**BILL ANALYSIS:** The PCS would make the following changes:

- Replace the reference to "level five" with the term "highest level" for math EOGs and EOCs.
- Require local boards of education to offer advanced learning opportunities in 3rd – 5th grade, when practicable, rather than advanced courses. When advanced learning opportunities are offered, students scoring at the highest level on the math EOG must be provided advanced learning opportunities for the next year.
- Eliminate requirement that 7th grade students who score at the highest level be enrolled in a high school math course in 8th grade.
- Require that parents be adequately informed that the student's advanced learning opportunity or advanced course placement was due to the student's achievement on the prior math course test before consenting to the student's removal from the placement.
- Require the Department of Public Instruction (DPI), beginning December 15, 2020, to submit an annual report to the Joint Legislative Education Oversight Committee on the number and demographics of students eligible for advanced math courses, and the number and demographics of eligible students who were not placed in the advanced math courses. The report must also include information on the type and format of advanced math courses provided, and feedback on implementation.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate PCS 500

Page 2

- Require DPI to provide guidance to local boards of education on how to best develop programming and courses to ensure all impacted students receive rigorous, academically appropriate instruction in math.
- Require each local board of education to develop a plan to implement the advanced course requirement for 6th – 12th grade and submit the plan to the Superintendent of Public Instruction by January 15, 2020. The proposed plan must include at least the following:
  - A list of all advanced math courses offered in 6th grade and higher in each school.
  - An explanation of staffing for advanced math courses in each school that addresses any anticipated shortages and any expected coordination between schools or with community colleges.
  - The estimated increase in students enrolled in advanced math courses for the 2020-2021 school year, based on student performance over the past three years.
- Require the Superintendent of Public Instruction to compile the plans submitted by the local boards of education into a summary report. This report and any other recommended changes must be submitted to the Joint Legislative Oversight Committee by March 15, 2020.
- Prohibit local boards of education from being required to comply with the advanced course placement requirements for 6th – 12th grade for the 2019-2020 school year.

**EFFECTIVE DATE:** This PCS would become effective when it becomes law, and would apply beginning with the 2019-2020 school year.

*\*Kara McCraw, staff attorney with the Legislative Analysis Division, and Suzanne Zelenka, legal extern with the Legislative Analysis Division, substantially contributed to this summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

D

SENATE BILL 500  
Education/Higher Education Committee Substitute Adopted 5/1/19  
Third Edition Engrossed 5/7/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S500-CSTC-27 [v.11]

06/04/2019 04:35:42 PM

Short Title: Modify Advanced Math Course Enrollment.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED  
AN ACT TO MAKE CERTAIN MODIFICATIONS TO THE IMPLEMENTATION OF  
ADVANCED MATH COURSES OFFERED WHEN PRACTICABLE FOR GRADES SIX  
AND HIGHER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81.36 reads as rewritten:

"§ 115C-81.36. Advanced courses in mathematics.

(a) When practicable, local boards of education shall offer advanced learning opportunities in mathematics in grades three through five, and advanced courses in mathematics in all grades ~~three~~ six and higher. For the purposes of this section, advanced learning opportunities are those services and curricular modifications in mathematics for academically or intellectually gifted students approved as part of the local plan, as required by G.S. 115C-150.7.

(a1) When advanced learning opportunities are offered in mathematics in grades three through five, any student scoring at the highest level on the end-of-grade test shall, for the next school year, be provided advanced learning opportunities in mathematics approved for that student's grade level. No student who qualifies under this subsection shall be removed from the advanced learning opportunity provided to the student unless a parent or guardian of the student provides written consent for the student to be excluded or removed after being adequately informed that the student's placement was determined by the student's achievement on the previous end-of-grade test.

(b) When advanced courses are offered in ~~mathematics~~, mathematics in grades six and higher, any student scoring ~~a level five at the highest level~~ 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~~ course after being adequately informed that the student's placement was determined by the student's achievement on the previous end-of-grade or end-of-course test.

(c) By December 15, 2020, and annually thereafter, the Department of Public Instruction shall submit a report to the Joint Legislative Education Oversight Committee containing data collected for the current school year on the number and demographics of students who were



1 eligible for advanced math courses, and of those students, the number and demographics of those  
2 who were placed in advanced math courses and were not placed in advanced math courses. The  
3 report shall include information on the type and format of advanced math courses provided and  
4 shall also include any feedback provided by local boards of education on the implementation of  
5 this section.

6 (d) The Department of Public Instruction shall provide guidance to local boards of  
7 education on how to best develop programming and courses to ensure all impacted students  
8 receive rigorous, academically appropriate instruction in mathematics."

9 **SECTION 2.** Each local board of education shall develop a plan to implement G.S.  
10 115C-81.36(b), as amended by this act, to be submitted to the Superintendent of Public  
11 Instruction by January 15, 2020. At a minimum, the plan shall include the following:

- 12 (1) A list of each advanced math course offered in grades six and higher in each  
13 school. If a course is locally developed, it shall be identified as such.
- 14 (2) An explanation of staffing for advanced math courses, including an indication  
15 of how adequate staffing will be accomplished and any anticipated shortages  
16 in staffing or other staffing challenges. This explanation shall also include any  
17 anticipated coordination with community colleges or coordination between  
18 schools in order to provide appropriate instructors for each advanced math  
19 course.
- 20 (3) An estimate, based on student performance over the previous three years, of  
21 the expected increase in the number of students enrolled in advanced math  
22 courses for the 2020-2021 school year.

23 **SECTION 3.** The Superintendent of Public Instruction shall compile the plans  
24 submitted by each local board of education into a summary report to be submitted to the Joint  
25 Legislative Education Oversight Committee, along with any recommended changes, by March  
26 15, 2020.

27 **SECTION 4.** Local boards of education shall not be required to comply with G.S.  
28 115C-81.36(b), as amended by this act, for the 2019-2020 school year.

29 **SECTION 5.** This act is effective when it becomes law and, except as otherwise  
30 provided, applies beginning with the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

3

SENATE BILL 500  
Education/Higher Education Committee Substitute Adopted 5/1/19  
Third Edition Engrossed 5/7/19

Short Title: Modify Advanced Math Course Enrollment.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED  
AN ACT TO MAKE CERTAIN MODIFICATIONS TO THE IMPLEMENTATION OF  
ADVANCED MATH COURSES OFFERED WHEN PRACTICABLE FOR GRADES  
THREE AND HIGHER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81.36 reads as rewritten:

"§ 115C-81.36. Advanced courses in mathematics.

(a) When practicable, local boards of education shall offer advanced learning opportunities in mathematics in grades three through five, and advanced courses in mathematics in all grades ~~three~~ six and higher. For the purposes of this section, advanced learning opportunities are those services and curricular modifications in mathematics for academically or intellectually gifted students approved as part of the local plan, as required by G.S. 115C-150.7.

(a1) When advanced learning opportunities are offered in mathematics in grades three through five, any student scoring at the highest level on the end-of-grade test shall, for the next school year, be provided advanced learning opportunities in mathematics approved for that student's grade level. No student who qualifies under this subsection shall be removed from the advanced learning opportunity provided to the student unless a parent or guardian of the student provides written consent for the student to be excluded or removed after being adequately informed that the student's placement was determined by the student's achievement on the previous end-of-grade test.

(b) When advanced courses are offered in ~~mathematics~~, mathematics in grades six and higher, any student scoring a ~~level five~~ at the highest level 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~~ at the highest level on the seventh grade mathematics end-of-grade test shall be enrolled in a high school level mathematics course in eighth grade. Local boards of education may administer diagnostic assessments upon enrollment in the high school level mathematics course for the purpose of providing identified students with supplemental content enrichment. 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~~ course after being adequately informed that the student's placement was determined by the student's achievement on the previous end-of-grade or end-of-course test.

(c) By December 15, 2019, and annually thereafter, the Department of Public Instruction shall submit a report to the Joint Legislative Education Oversight Committee containing data



1 collected on the number and demographics of students who were eligible for advanced math  
2 courses, and of those students, the number and demographics of those who were placed in  
3 advanced math courses and were not placed in advanced math courses. The report shall include  
4 information on the type and format of advanced math courses provided and shall also include  
5 any feedback provided by local boards of education on the implementation of this section.

6 (d) The Department of Public Instruction shall provide guidance to local boards of  
7 education on how to best develop programming and courses to ensure all impacted students  
8 receive rigorous, academically appropriate instruction in mathematics."

9 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
10 the 2019-2020 school year.

**House Committee on Education - K-12**  
**Tuesday, June 11, 2019 at 1:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 1:00 PM on June 11, 2019 in Room 643 of the Legislative Office Building. Representatives Jeffrey Elmore, Craig Horn, Hugh Blackwell, Cecil Brockman, Cynthia Ball, Scott Brewer, Mark Brody, Ashton Clemmons, Susan Fisher, John Fraley, Rosa Gill, Charles Graham, Jon Hardister, Frank Iler, Marvin Lucas, Graig Meyer, Larry Potts, Dennis Riddell, Kandie Smith, Rena Turner, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 1:06 PM and introduced the Sergeant-At-Arms who would be assisting with the committee and recognized the pages. Copies of the attendance and visitor registration are attached to these minutes (Attachments 1-4)

**SB 354 Student Notice/Charter School Closure/Restr.** was removed from the agenda by the request of the bill sponsor.

The following bills were considered:

**SB 227, TP3/Principal Fellows Consolidation.** (Primary Sponsor: Senator Tillman), (Attachments 5-6)

Representative Horn announced there was a PCS for **SB 227, TP3/Principal Fellows Consolidation.** (Attachment 7) There was no objection to the PCS. Representative Horn recognized Senator Tillman to explain the bill. The 3<sup>rd</sup> edition of the bill would broaden the charter school enrollment priority to include siblings who apply to the charter school for admission in the same school year and children of persons employed to work full-time for the charter school. The PCS would remove the contents of the bill and instead do the following: Maintain the existing administration of the Transforming Principal Preparation Program (TP3) for current grant recipients until 2021, expand the Principal Fellows Commission to include the TP3, and repeal the Principal Fellows Program in 2021.

Representative Iler asked why the Principal Fellows Program would be repealed in 2021. Representative Elmore mentioned that this was compromised language between the two entities and asked if that was a fair statement.

Representative Potts was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

**SB 366, 10th Grade/College Transfer Pathways.** (Primary Sponsors: Senators McInnis and B. Jackson), (Attachments 8-9)



Representative Horn announced there was a PCS for **SB 366, 10<sup>th</sup> Grade/College Transfer Pathways**. (Attachment 10) There was no objection to the PCS. Representative Horn recognized Senator McInnis to explain the bill. The bill would expand the career and technical education pathway to high school freshman and sophomores to include construction courses as well as expand the college transfer pathway to certain high school freshman and sophomores. The PCS would (i) expand the career and technical education pathway to high school freshman and sophomores to include construction and business technologies courses, (ii) expand the college transfer pathway only to certain high school sophomores, and (iii) require that those sophomores receive academic advising on entering college early and get parental consent before participating in the pathway.

Representative Horn stated there was an amendment by Representative Fraley, S366-ABN-41 [v.2], (Attachment 11) and recognized Representative Fraley to explain the amendment. Representative Fraley asked that Senator McInnis explain the amendment. Senator McInnis stated this amendment would allow those qualified in the trades, who have demonstrated a minimum of 6 years of the last 10 years professional experience in the relevant trade or having recognized industry credentials or an active professional license to be instructors at the high school. This amendment also restricts the number of hours they can work per week and excludes them from the state employees' retirement system. Representative Horn asked for questions to the amendment. Representative Brody commented that it is beneficial for students to get a sampling of what is out there in the construction trades and not only see what the work is but the potential income. Representative Gill asked how this amendment would impact the Community Colleges and is there a fiscal note for how much this will cost if we bring this into the high schools. Representative Graham asked about grade levels, particularly freshmen and sophomores, and Senator McInnis stated the amendment encompasses all high school grade levels. Representative Graham also asked if we are encouraging these students to get training, then dropout. Representative Elmore stated he was supportive of the amendment and that it allows the State Board to create criteria for those in specialized trades to teach. Representative Horn asked for a vote, the amendment passes.

Representative Fraley was recognized for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

**SB 399, Rehire High-Need Teachers.** (Primary Sponsors: Senators Horner, Berger, and Chaudhuri), (Attachments 12-13)

Representative Horn recognized Senator Horner to explain the bill. The bill allows retired teachers to return to work in certain high-needs schools without adversely impacting their retirement benefits.

Representative Potts asked about the IRS code and ruling. Representative Meyer had a question he wanted to ask for a constituent, which was does this bill open up the possibility for a lawsuit for age discrimination. Representative Blackwell asked if the salary would be capped at the entry level and is there anything in the bill that attempts to limit it to those who might be considered well-qualified as opposed to someone who was less effective or is that decision up to the local

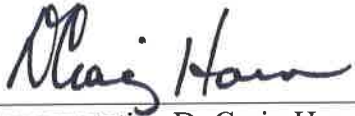




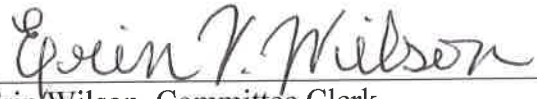
superintendent. Representative Elmore stated he supports the bill and the focus on the role of veteran teachers with this bill. Representative Ball asked why are we making it expire June 30, 2021. Representative Ball also wanted to ensure that any teacher that is attracted to this program is not discouraged by the fact that there is an expiration date. Representative Graham asked if he had 30 years of teaching and is 54 years old, can I come back and do this.

Representative White was recognized for a motion to receive a favorable report for SB 399 with a referral to Rules and a recommendation for a serial referral to Pensions. Representative Horn asked for a vote and the motion passed.

The meeting adjourned at 1:36 PM.



Representative D. Craig Horn, Chair  
Presiding



Erin Wilson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms and Pages
4. Visitor Registration
5. SB 227 Summary
6. SB 227 Edition 3
7. PCS S227-CSBE-25 [v.3]
8. SB 366 Summary
9. SB 366 Edition 2
10. PCS S366-CSBN-24 [v.3]
11. Amendment S366-ABN-41 [v.2]
12. SB 399 Summary
13. SB 399 Edition 3

Wm. H. Jones

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 11, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn is presiding.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 354</u>	Student Notice/Charter School Closure/Restr.	Senator Ballard Senator Edwards Senator Harrington
<u>SB 366</u>	9th/10th Grade/College Transfer Pathways.	Senator McInnis Senator B. Jackson

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:46 PM on Monday, June 10, 2019.

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

Erin Wilson (Committee Assistant)



Updated #1: Added SB 227 & SB 399

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 11, 2019  
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<u>SB 354</u>	Student Notice/Charter School Closure/Restr.	Senator Ballard Senator Edwards Senator Harrington
<u>SB 366</u>	9th/10th Grade/College Transfer Pathways.	Senator McInnis Senator B. Jackson
<u>SB 227</u>	Broaden Charter School Sibling Priority.	Senator Tillman
<u>SB 399</u>	Rehire High-Need Teachers.	Senator Horner Senator Berger Senator Chaudhuri

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 7:30 PM on Monday, June 10, 2019.

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

Erin Wilson (Committee Assistant)



**House Committee on Education - K-12**  
**Tuesday, June 11, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 354	Student Notice/Charter School Closure/Restr. (REMOVED)	Senator Ballard Senator Edwards Senator Harrington
SB 366	9th/10th Grade/College Transfer Pathways.	Senator McInnis Senator B. Jackson
SB 227	Broaden Charter School Sibling Priority.	Senator Tillman
SB 399	Rehire High-Need Teachers.	Senator Horner Senator Berger Senator Chaudhuri





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

SB 399 (CS#2) Rehire High-Need Teachers.  
Draft Number: None  
Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Horn

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

SB 227 (CS#1) Broaden Charter School Sibling Priority.  
Draft Number: S227-PCS15359-BEa-25  
Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE  
Recommended Referral: None  
Long Title Amended: Yes  
Floor Manager: Elmore

SB 366 (CS#1) 9th/10th Grade/College Transfer Pathways.  
Draft Number: S366-PCS45301-BN-24  
Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE  
Recommended Referral: None  
Long Title Amended: Yes  
Floor Manager: Fraley

TOTAL REPORTED: 3



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



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	6/11/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	-																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	-																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	-																		
Rep. Jean Farmer-Butterfield	-																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	-																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	-																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		



DATES	6/11/19																	
Rep. Larry Potts	✓																	
Rep. Dennis Riddell	✓																	
Rep. Kandie Smith	✓																	
Rep. Larry Strickland	-																	
Rep. Rena Turner	✓																	
Rep. Donna McDowell White	✓																	
Ex-officio																		
Rep. John Bell																		
Rep. Brenden Jones																		
Rep. David Lewis																		
Rep. Sarah Stevens																		



Committee Sergeants at Arms

House Committee on Education K-12

NAME OF COMMITTEE \_\_\_\_\_

DATE: 06-11-2019 \_\_\_\_\_

Room: 643 LOB \_\_\_\_\_

House Sgt-At Arms:

1. Name: Terry McCraw \_\_\_\_\_
2. Name: Jim Moran \_\_\_\_\_
3. Name: Thomas Terry \_\_\_\_\_
4. Name: Malachi McCullough \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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





**House Pages  
Assignments  
Tuesday, June 11, 2019  
Session: 10:00 AM**

Committee	Room	Time	Staff	Comments	Member
Education – Community Colleges	421	11:00 AM	Spencer Barnwell		Rep. Chuck McGrady
			Steven Evans		Rep. Darren G. Jackson
			Emerson Maggiolo		Rep. Darren G. Jackson
			Haidyn Warren		Rep. Stephen M. Ross
Education- Universities	421	11:30 AM	David Andrews		Rep. Mary Belk
			Tyler Morgan		Rep. Kandie D. Smith
			Lara Wood		Rep. Lisa Stone Barnes
Education - K-12	643	1:00 PM	Graham Costner		Speaker Tim Moore
			Reese Layh		Rep. Joe John
			Caroline Richardson		Rep. Frank Iler
			Tate Smart		Rep. Kelly E. Hastings

LARA wood  
ZACHARY wood  
HAIDYN Warren

PAGES



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-11-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Caleb Fisher	Intern
Laura DeVino	DES
Angel Sams	DES
Sallie James	Governor's office
Tom Tomberlin	NC DPI
Mary Shuping	NCCCS
Drew Zlot	NC DPI
DAVE MACHADO	NC DPI
Kevin Willhinson	NC DPI
Nade Butler	NC DPI
Karson Nelson	NC DPI



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-11-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Isaac Ridgeway	BEST NC
Leah Sutton	BEST NC
Amy Zulk	2019
Chadler	NCSBT
Jack SCA	ALDPI
Leanne Kinner	NCSBA
Katrice Rankin Ward	LPCANC
Deily Perkins	Perkins Law
Amanda Falkenberg	JDA
Harry R. Spl	MUC
Mary Tramm	NCHAE
Richard Bosker	NCSBA



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-11-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

SAM WATTS	NC Dept of State Treasurer
Brenton Hart	NC Dept of State Treasurer
Juan Lynn	Ed Consultant
Tyler Ford	MWC
Joe Kyzer	Speaker
Sam Kyzer	Retired
Shirley Prince	NCPAPA
Tracy Story	NCPAPA
Katherine Joyce	NCAST
Elizabeth Klotz	NCAST
Tom West	NCICU





unframe



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

06-11-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Amanda Donovan	KTS
Wenzy Kay	FPA
Grace Irwin	WW
Chelsey Hayden	intern
Lee Torgue	THG
Dennis English	English Enterprises
Alfreda Harris	English Enterprises
Dodie Benfer	Nelson Mullins
Andrew Meehan	NC chambers
MHQ	JMHill
Clare Kilmartin	Gov. Office





## SENATE BILL 227: TP3/Principal Fellows Consolidation.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 11, 2019
<b>Introduced by:</b>	Sen. Tillman	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to Third Edition S227-CSBE-25		Committee Co-Counsel

---

**OVERVIEW:** *The 3rd edition of Senate Bill 227 would broaden the charter school enrollment priority to include siblings who apply to the charter school for admission in the same school year and children of persons employed to work full-time for the charter school. The PCS to SB 227 would remove the contents of SB 227 and instead do the following:*

- Maintain the existing administration of the Transforming Principal Preparation Program (TP3) for current grant recipients until 2021.
- Expand the Principal Fellows Commission to include the TP3.
- Repeal the Principal Fellows Program in 2021.

**CURRENT LAW:** The Principal Fellows Program, as set out in Article 5C of Chapter 116 of the General Statutes, provides two-year scholarship loans and extracurricular enhancement activities to participants who attend principal preparation programs in North Carolina. Participants can complete four years of service within six years after graduation as a school administrator in North Carolina to avoid repayment on the loans.

The Principal Fellows Program is governed by the North Carolina Principal Fellows Commission, which is chaired by the director of the program and made up of 12 members. All funds for the program are held in the Principal Fellows Trust Fund.

The Transforming Principal Preparation Grant Program (TP3) was established by Sec. 11.9 of S.L. 2015-241 and was later codified in Part 4 of Article 23 of Chapter 116 of the General Statutes. The TP3 awards grants to qualifying entities that prepare principals in North Carolina. TP3 is administered by a nonprofit entity selected by the State Education Assistance Authority (SEAA).

Sec. 2 of S.L. 2018-145 requires the TP3 to be transferred to the control of the Principal Fellows Commission as of July 1, 2019.

### BILL ANALYSIS:

#### Maintain Existing Administration of the Transforming Principal Preparation Program for Current Grant Recipients Until 2021

Sections 1.(a) – 1.(k) of the PCS would maintain the administration of the existing TP3 until 2021 for current grant recipients.

Karen Cochrane-Brown  
Director



S 2 2 7 - S M B E - 4 1 C S B E - 2 5 - V - 2

Legislative Analysis  
Division  
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# Senate PCS 227

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Section 1.(a) would repeal the transfer of the TP3 to the Principal Fellows Commission that is otherwise required to take place July 1, 2019.

Section 1.(b) would allow the nonprofit contracted to administer the TP3 to continue to enter into and execute new contracts, but it would prohibit the nonprofit from awarding new grants or renewing existing grants.

Section 1.(c) would require the nonprofit to transfer data to the new Principal Fellows and TP3 Commission by 2021.

Section 1.(d) would reduce the allocation to SEAA for the current TP3 grantees in 2020-2021 from \$4.2 million to \$2.5 million to account for grants that will expire.

Sections 1.(e) – (f) would modify the provisions related to the existing TP3 grantees. Grantees would be required to facilitate the execution of promissory notes between SEAA and the program participants for forgivable scholarship loans.

Section 1.(g) would authorize SEAA to use up to \$130,000 for administrative costs for the 2019-2020 and 2020-2021 fiscal years. Additionally, it would create the terms for forgivable scholarship loans of up to \$40,000 to be offered to TP3 participants. The loans could be forgiven through service as a school administrator in North Carolina. For every year of service at a high-need school, the school administrator would have 50% of the total loan amount forgiven. For every year of service at a North Carolina public school that is not a high-need school, the school administrator would have 25% of the total loan amount forgiven.

Sections 1.(h) – (k) would repeal the existing TP3 as of July 1, 2021.

## **Expand the Principal Fellows Commission to Include TP3**

Sections 1.(l) – (r) of the PCS would expand the Principal Fellows Commission to include TP3, creating the new North Carolina Principal Fellows and TP3 Commission.

Section 1.(l) – (m) would rename the North Carolina Principal Fellows Commission as the North Carolina Principal Fellows and TP3 Commission (Commission). Additionally, it would do the following:

- Add three members to the Commission, to make a total of 15.
- Define various terms associated with the North Carolina Principal Fellows and Transforming Principal Preparation Program (Program).
- Establish the Principal Fellows and TP3 Trust Fund, and authorize SEAA to use up to 2% of the funds appropriated to the Program or \$160,000 (whichever is greater) for administrative costs.
- Authorize the Commission to appoint the director of the Principal Fellows Program.
- Establish the new TP3 with a recodification of the existing TP3 statutes under Article 5C of Chapter 116, as well as create a forgivable scholarship loan program as described above.
- Require the Commission to develop and enforce requirements related to disbursement of forgivable scholarship loans.
- Require the Commission to be administratively housed in The University of North Carolina System Office, but not on the campus of a constituent institution.
- Make various conforming changes.

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Section 1.(n) would require the new Commission members added under Section 1.(l) to be appointed by August 1, 2019.

Section 1.(o) would authorize existing TP3 grantees to apply to the Commission for grant renewal. Additionally, existing TP3 grantees with grants extending beyond July 1, 2021, would be subject to the provisions of Article 5C of Chapter 116 for the remainder of the grant, rather than Part 4 of Article 23. Eligibility for forgivable scholarship loans would apply beginning with program participants starting on or after June 1, 2020.

Section 1.(p) would require the Office of State Budget and Management to transfer the unexpended balance of the Principal Fellows Trust Fund to the new Principal Fellows and TP3 Trust Fund.

Section 1.(q) would appropriate, beginning with the 2019-2020 fiscal year, \$3,258,000 to the Principal Fellows and TP3 Trust Fund instead of the Principal Fellows Trust Fund.

Section 1.(r) would appropriate, beginning with the 2020-2021 fiscal year, \$1,573,902 to the Principal Fellows and TP3 Trust Fund instead of the Board of Governors of The University of North Carolina.

## **Repeal the Principal Fellows Program in 2021**

Sections 1.(s) – (aa) of the PCS would eliminate the Principal Fellows Program starting July 1, 2021, and make conforming changes in law.

Section 1.(s) would repeal the Principal Fellows program effective July 1, 2021.

Section 1.(t) would authorize the Commission to make its final scholarship loan awards for the Principal Fellows Program for the 2021 spring academic semester.

Section 1.(u) would make conforming changes to remove references to the Principal Fellows Program.

Section 1.(v) would require SEAA to administer outstanding scholarship loans previously awarded by the Principal Fellows Program.

Sections 1.(w) – (z) would make various conforming changes.

Section 1.(aa) would appropriate, beginning with the 2021-2022 fiscal year, \$3,006,098 to the Principal Fellows and TP3 Trust Fund instead of to the Board of Governors of The University of North Carolina.

**EFFECTIVE DATE:** The repeal of the scheduled transfer of the existing TP3 to the Principal Fellows Commission would be effective June 30, 2019. The existing TP3 would be repealed July 1, 2021. The elimination of the Principal Fellows Program and corresponding changes would be effective July 1, 2021. The remainder of the act would be effective when it becomes law.

**BACKGROUND:** There are currently five TP3 grantees administered by the N.C. Alliance for School Leadership Development: High Point University (grant expiring in 2021), North Carolina State University (grant expiring in 2020), Sandhills Regional Education Consortium (grant expiring in 2021), University of North Carolina-Greensboro (grant expiring in 2022), and Western Carolina University (grant expiring in 2020).





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

3

SENATE BILL 227  
Education/Higher Education Committee Substitute Adopted 4/3/19  
Third Edition Engrossed 4/9/19

Short Title: Broaden Charter School Sibling Priority.

(Public)

Sponsors:

Referred to:

March 13, 2019

A BILL TO BE ENTITLED

AN ACT TO BROADEN CHARTER SCHOOL ENROLLMENT PRIORITY TO INCLUDE  
SIBLINGS WHO APPLY TO THE CHARTER SCHOOL FOR ADMISSION IN THE  
SAME SCHOOL YEAR AND CHILDREN OF PERSONS EMPLOYED TO WORK  
FULL-TIME FOR THE CHARTER SCHOOL.

The General Assembly of North Carolina enacts:

**SECTION 1.** 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.
- (1a) Siblings who apply to the charter school for admission beginning in the same school year, such as when a sibling was not initially admitted due to grade level capacity.
- (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 persons employed to work full-time employees for the charter school, including children of full-time contracted 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



1 of the charter schools have an enrollment articulation agreement to accept  
2 students or are governed by the same board of directors.  
3 (7) A student who was enrolled in another charter school in the State in the  
4 previous school year."

5 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
6 the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

D

SENATE BILL 227  
Education/Higher Education Committee Substitute Adopted 4/3/19  
Third Edition Engrossed 4/9/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S227-CSBE-25 [v.3]

06/10/2019 08:50:25 PM

Short Title: TP3/Principal Fellows Consolidation.

(Public)

Sponsors:

Referred to:

March 13, 2019

A BILL TO BE ENTITLED

AN ACT TO MAINTAIN ADMINISTRATION FOR CURRENT GRANT RECIPIENTS OF  
THE EXISTING TRANSFORMING PRINCIPAL PREP PROGRAM AND PHASE IN  
ADMINISTRATION BY THE NEW PRINCIPAL FELLOWS AND TP3 COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Effective June 30, 2019, subsections (a) through (d) of Section 2 of  
S.L. 2018-145 are repealed.

**SECTION 1.(b)** Section 2(f) of S.L. 2018-145 reads as rewritten:

"**SECTION 2.(f)** Notwithstanding any provision of Part 4 of Article 23 of Chapter 116 of  
the General Statutes to the contrary, the nonprofit corporation contracting with the State  
Education Assistance Authority pursuant to G.S. 116-209.71, as of the date this act becomes law,  
shall not ~~enter into or execute any new contracts, including the award of any new grants,~~  
~~associated with grants or award a grant renewal for~~ the Transforming Principal Preparation Grant  
Program on or after the date this act becomes law."

**SECTION 1.(c)** Section 2(g) of S.L. 2018-145 reads as rewritten:

"**SECTION 2.(g)** ~~As soon as practicable, but no later than June 30, 2019, For grantees~~  
~~selected for grants prior to January 1, 2019, through the Transforming Principal Preparation~~  
~~Grant Program under G.S. 116-209.73, the nonprofit corporation contracting with the State~~  
~~Education Assistance Authority pursuant to G.S. 116-209.71, as of the date this act becomes law,~~  
~~G.S. 116-209.71 shall transfer to the North Carolina Principal Fellows and TP3 Commission (i)~~  
~~by June 30, 2020, all of the data in its possession that was collected from grant recipients with~~  
~~the term of the grant ending prior to July 1, 2020, in accordance with G.S. 116-209.73, including~~  
~~any data collected during the 2018-2019-2019-2020 fiscal year-year and (ii) by June 30, 2021, all~~  
~~of the data in its possession that was collected from grant recipients with the term of the grant~~  
~~ending prior to July 1, 2021, in accordance with G.S. 116-209.73, including any data collected~~  
~~during the 2020-2021 fiscal year."~~

**SECTION 1.(d)** Section 11.9(o) of S.L. 2015-241, as enacted by Section 10A.5 of  
S.L. 2017-57 and as amended by Section 10A.4 of S.L. 2018-5, reads as rewritten:

"**SECTION 11.9.(o)** ~~Beginning with~~ ~~For the 2017-2018-2017-2018, 2018-2019, and~~  
~~2019-2020 fiscal year-years,~~ of the funds appropriated for this program, the sum of four million  
two hundred thousand dollars (\$4,200,000) shall be allocated each fiscal year to the State  
Education Assistance Authority (Authority) to award grants to ~~selected recipients-recipients~~  
~~selected prior to January 1, 2019, pursuant to G.S. 116-209.73.~~



For the 2020-2021 fiscal year, of the funds appropriated for this program, the sum of two million five hundred fifteen thousand ninety-eight dollars (\$2,515,098) shall be allocated to the Authority to award grants to recipients selected prior to January 1, 2019, pursuant to G.S. 116-209.73."

SECTION 1.(e) G.S. 116-209.70 reads as rewritten:

"§ 116-209.70. ~~Purpose and definitions.~~Purpose, definitions, and applicability.

(a) Purpose. – The purpose of this Part is to establish the Transforming Principal Preparation Grant Program as a competitive grant program for eligible entities to elevate educators in North Carolina public schools by transforming the preparation of principals across the ~~State.~~State and providing for forgivable scholarship loans to participants of those school leader preparation programs. The Authority shall administer this Program through a cooperative agreement with a private, nonprofit corporation to provide funds for the preparation and support of highly effective future school principals in North Carolina.

(a1) Administration of Forgivable Scholarship Loans. – Upon the grant recipients' selection of the program participants for the school leader preparation programs, the grantee shall transfer the names of the program participants to the Authority. The Authority shall perform all of the administrative functions necessary to implement the forgivable scholarship loans to the school leader preparation program participants, which functions shall include rule making, disseminating information, acting as a liaison with participating eligible entities, implementing forgivable loan agreements in the form of promissory notes, monitoring loan repayment through service and cash, and performing all other functions necessary for the execution, payment, and enforcement of promissory notes required under this Part.

(b) Definitions. – For the purposes of this Part, the following definitions apply:

...

(5a) Public school. – An elementary or secondary school located in North Carolina that is operated by a local board of education, charter school board of directors, regional school board of directors, chancellor for a University of North Carolina laboratory school, an innovative school operator, or the United States government.

...

(c) Applicability of Part. – The provisions of this Part shall only apply to the administration of the Transforming Principal Preparation Grant Program for grant recipients selected for the award of grants prior to January 1, 2019."

SECTION 1.(f) G.S. 116-209.73(c) reads as rewritten:

"(c) Duration of Grants. – The nonprofit corporation shall also recommend to the Authority the duration ~~and renewal~~ of grants to eligible entities according to the following:

(1) The duration of grants shall be as follows:

a. ~~Grants shall be no more than five years in duration.~~

b. ~~The nonprofit corporation may recommend renewal of a grant based on performance, including allowing the grantee to scale up or replicate the successful program as provided in subdivision (2) of this subsection.~~

(1a) The following conditions shall apply during the grant period:

e.a. The nonprofit shall develop a process with the Authority for early retrieval of grant funds from grant recipients due to noncompliance with grant terms, including participation in third-party evaluation activities.

b. Grantees shall develop ~~and enforce~~ requirements for program graduates to serve ~~a minimum of four years~~ as school-based administrators in public schools located in North Carolina. ~~Requirements are subject to the approval of~~ Grantees shall facilitate

the execution of promissory notes between the Authority and program participants containing the terms for forgivable scholarship loans, including requirements for forgiveness or repayment, consistent with requirements approved by the nonprofit corporation and the provisions of G.S. 116-209.76.

(2) In evaluating performance for purposes of grant renewal and making recommendations to the Authority, the nonprofit corporation shall consider at least the following:

a. For all grantees, the primary consideration in renewing grants shall be the extent to which program participants improved student achievement in eligible schools.

b. Other criteria from data received in the annual report in subsection (d) of this section may include the following:

1. The percentage of program completers who are placed as school leaders in this State within three years of receiving a grant.

2. The percentage of program completers who are rated proficient or above on the North Carolina School Executive Evaluation Rubric."

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

**"§ 116-209.75. Funds for administration.**

Notwithstanding any other provision of law, for the 2019-2020 and 2020-2021 fiscal years, the Authority may use up to one hundred thirty thousand dollars (\$130,000) each fiscal year from the total funds appropriated in a fiscal year for the Transforming Principal Preparation Grant Program for its administrative costs.

**"§ 116-209.76. Terms of forgivable scholarship loans.**

(a) Notes. – A program participant shall be eligible for a forgivable scholarship loan in the amount of up to twenty thousand dollars (\$20,000) per year for up to two years in the program, with a maximum loan amount of forty thousand dollars (\$40,000) per participant. All forgivable scholarship 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 school leader preparation program, or 90 days after termination of the loan, whichever is earlier. The forgivable scholarship loan may be terminated upon the recipient's withdrawal from the preparation program or by the recipient's failure to meet the standards set by the nonprofit corporation and the grantee.

(b) Forgiveness through Service. – The Authority shall forgive the total amount of a forgivable scholarship loan and any interest accrued on the loan if, within seven years after graduation from a school leader preparation program, exclusive of any authorized deferment for extenuating circumstances, the recipient serves as a school administrator at a North Carolina public school, in any combination of the following for every year of service:

(1) If the school administrator serves one year at a school that qualifies as a high-need school under G.S. 116-209.70(b) at the time the school administrator accepts employment at the school or, if the school administrator changes employment during this period to be employed at another high-need school, then the recipient shall have fifty percent (50%) of the total amount of the loans forgiven.

(2) If the school administrator serves one year at a school that does not qualify as a high-need school under G.S. 116-209.70(b), then the recipient shall have twenty-five percent (25%) of the total amount of the loans forgiven.



1       A recipient shall be eligible for a percentage of the total amount of loans forgiven under this  
2 subsection regardless of whether the recipient repays all of the recipient's forgivable scholarship  
3 loans through service.

4       (c) Repayment Period. – The Authority, in collaboration with the grantees, shall monitor  
5 the acceptability of service repayment agreements and compliance of the recipient with the  
6 agreement. A forgivable scholarship loan shall also be forgiven if the Authority finds it is  
7 impossible for the recipient to work for four years as a school administrator, within seven years  
8 after completion of the preparation program supported by the loan, because of the death or  
9 permanent disability of the recipient. If the recipient repays the forgivable scholarship loan by  
10 cash payments to the Authority, all indebtedness shall be repaid within 10 years after completion  
11 of the school leader preparation program supported by the loan. If the recipient completes the  
12 school leader preparation program, payment of principal and interest shall begin no later than 27  
13 months after the completion of the program. Should a recipient present extenuating  
14 circumstances, the Authority may extend the period to repay the forgivable scholarship loan in  
15 cash to no more than a total of 12 years."

16       **SECTION 1.(h)** Notwithstanding G.S. 116-209.76, as enacted by this section,  
17 eligibility for a forgivable scholarship loan under G.S. 116-209.76 shall apply beginning with  
18 school leader program participants entering, on or after June 1, 2020, a school leader preparation  
19 program that is supported by a grant awarded pursuant to Part 4 of Article 23 of Chapter 116 of  
20 the General Statutes.

21       **SECTION 1.(i)** Effective July 1, 2021, Part 4 of Article 23 of Chapter 116 of the  
22 General Statutes, as amended, is repealed.

23       **SECTION 1.(j)** Effective July 1, 2021, Section 11.9(m) of S.L. 2015-241, as  
24 amended by Section 4.3 of S.L. 2016-123, Section 10A.5 of S.L. 2017-57, and Section 10A.4 of  
25 S.L. 2018-5, is repealed.

26       **SECTION 1.(k)** Effective July 1, 2021, Section 11.9(o) of S.L. 2015-241, as enacted  
27 by Section 10A.5 of S.L. 2017-57, and amended by Section 10A.4 of S.L. 2018-5 and subsection  
28 (d) of this section, is repealed.

29       **SECTION 1.(l)** Article 5C of Chapter 116 of the General Statutes reads as rewritten:  
30 "Article 5C.

31 "North Carolina Principal Fellows and Transforming Principal Preparation Program.  
32 "**§ 116-74.41. North Carolina Principal Fellows and TP3 Commission established;**  
33 **membership.**

34       (a) There is established the North Carolina Principal Fellows and TP3 Commission. The  
35 Commission shall exercise its powers and duties independently ~~of the Board of Governors of The~~  
36 ~~University of North Carolina.~~ in its administration of the North Carolina Principal Fellows and  
37 Transforming Principal Preparation Program, which includes the Principal Fellows Program and  
38 the North Carolina Transforming Principal Preparation Program, in accordance with this Article.  
39 The Director of the ~~Principal Fellows Program~~ shall staff the ~~Commission.~~ Commission in  
40 accordance with G.S. 116-74.49. The State Education Assistance Authority (SEAA) as created  
41 in G.S. 116-203 shall be responsible for (i) implementing scholarship loan agreements,  
42 monitoring, cancelling through service, collecting and otherwise enforcing the agreements for  
43 the Principal Fellows Program scholarship loans established in accordance with  
44 ~~G.S. 116-74.42.~~ G.S. 116-74.42 and (ii) awarding grants upon selection of the recipients by the  
45 Commission in accordance with G.S. 116-74.46 and executing agreements for forgivable  
46 scholarship loans, cancelling through service, collecting, and otherwise enforcing the agreements  
47 under G.S. 116-74.48.

48       (a1) Repealed by Session Laws 2018-5, s. 10A.3(a), effective July 1, 2018.

49       (b) The Commission shall consist of ~~42-15~~ members appointed as follows:

50       (1) One member of the Board of Governors of The University of North Carolina  
51 appointed by the chair of that board, notwithstanding G.S. 116-7(b).

- (2) One member of the State Board of Education appointed by the State Board chair.
- (3) ~~Two deans~~ One dean of schools-a school of education appointed by the President of The University of North Carolina.
- (3a) One dean of a school of education appointed by the President of the North Carolina Independent Colleges and Universities.
- (4) One public school teacher appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
- (5) One public school principal appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (6) A local superintendent chosen by the State Superintendent of Public Instruction.
- (7) One member to represent business and industry appointed by the Governor.
- (8) One local school board member appointed by the chair of the State Board of Education.
- (9) ~~One parent of a public school child~~ human resources expert from the private sector appointed by the State Superintendent of Public Instruction.
- (10) The chairperson of the Board of the State Education Assistance Authority.
- (11) The director of the ~~Principal Fellows~~ Program. The director shall chair the Commission.
- (12) The Executive Director of the North Carolina Principals and Assistant Principals' Association or his or her designee.
- (13) The President of the Personnel Administrators of North Carolina or his or her designee.
- (14) The President and Chief Executive Officer of North Carolina Business Leaders for Education (BEST NC) or his or her designee.
- (c) ~~Initial appointments shall be made no later than September 15, 1993. Initial terms of those members appointed to fill the teacher, principal, parent, superintendent, and the local school board member seats shall expire July 1, 1995. Initial terms of those members appointed to fill the Board of Governors of The University of North Carolina, State Board of Education, deans of schools of education, and the member of business and industry seats shall expire July 1, 1997. Thereafter, all~~ All appointments for these seats to the Commission shall be for four-year terms.
- (d) Except as otherwise provided, if a vacancy occurs in the membership, the appointing authority shall appoint another person to serve for the balance of the unexpired term. In the discretion of the appointing authority, a State Board of Education member or a member of the Board of Governors of The University of North Carolina may complete a term on the Commission after the member's appointment from the appointing board has expired.
- (e) Commission members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5 or G.S. 138-6, as appropriate.
- (f) The initial meeting of the Commission shall be called by the member of the Board of Governors of The University of North Carolina appointed under subdivision (1) of subsection (b) of this section and the director shall be appointed by the Commission at the initial meeting. ~~The~~ Thereafter, the Commission shall meet regularly, at times and places deemed necessary by the chair.
- "§ 116-74.41A. Definitions.**
- For the purposes of this Article, the following definitions apply:
- (1) Authority or SEAA. – The State Education Assistance Authority as created in G.S. 116-203.
- (2) Commission. – The North Carolina Principal Fellows and TP3 Commission.
- (3) Eligible entity. – A for-profit or nonprofit organization or an institution of higher education that has an evidence-based plan for preparing school leaders



- 1 who implement school leadership practices linked to increased student  
2 achievement.
- 3 (4) High-need local school administrative unit. – A local school administrative  
4 unit with the majority of its schools deemed to be high-need schools as defined  
5 in subdivision (5) of this subsection.
- 6 (5) High-need school. – A public school that meets one or more of the following  
7 criteria:
- 8 a. Is a school identified under Part A of Title I of the Elementary and  
9 Secondary Education Act of 1965, as amended.
- 10 b. Is a persistently low-achieving school, as identified by the Department  
11 of Public Instruction for purposes of federal accountability.
- 12 c. A middle school containing any of grades five through eight that feeds  
13 into a high school with less than a seventy-five percent (75%)  
14 four-year cohort graduation rate.
- 15 d. A high school with less than a seventy-five percent (75%) four-year  
16 cohort graduation rate.
- 17 (6) North Carolina Transforming Principal Preparation Program. – The North  
18 Carolina Transforming Principal Preparation Program established pursuant to  
19 G.S. 116-74.44.
- 20 (7) Principal. – The highest administrative official in a public school building  
21 with primary responsibility for the instructional leadership, talent  
22 management, and organizational development of the school.
- 23 (8) Principal Fellows Program. – The Principal Fellows Program established  
24 pursuant to G.S. 116-74.42.
- 25 (9) Program. – The North Carolina Principal Fellows and Transforming Principal  
26 Preparation Program, which shall include the Principal Fellows Program and  
27 the North Carolina Transforming Principal Preparation Program.
- 28 (10) Public school. – An elementary or secondary school located in North Carolina  
29 that is operated by a local board of education, charter school board of  
30 directors, regional school board of directors, chancellor for a University of  
31 North Carolina laboratory school, an innovative school operator, or the United  
32 States government.
- 33 (11) School leader. – An individual employed in a school leadership role, including  
34 principal or assistant principal roles.
- 35 (12) Student achievement. – At the whole school level, after three years of leading  
36 a school, consistent and methodologically sound measures of:
- 37 a. Student academic achievement.
- 38 b. Aggregated individual student academic growth.
- 39 c. Additional outcomes, such as high school graduation rates, the  
40 percentage of students taking advanced-level coursework, or the  
41 percentage of students who obtain a career-related credential through  
42 a national business certification exam.
- 43 (13) Trust Fund. – The North Carolina Principal Fellows and TP3 Trust Fund  
44 established pursuant to G.S. 116-74.41B.

45 **"§ 116-74.41B. The North Carolina Principal Fellows and TP3 Trust Fund.**

46 (a) Trust Fund Established. – The North Carolina Principal Fellows and TP3 Trust Fund  
47 shall be an institutional trust fund established pursuant to G.S. 116-36.1. All funds appropriated  
48 to, or otherwise received by, (i) the Principal Fellows Program for scholarships and other program  
49 purposes, (ii) the Program for the award of grants pursuant to G.S. 116-74.44, (iii) all funds  
50 received as repayment of scholarship loans, and (iv) all interest earned on these funds shall be  
51 placed in the Trust Fund.



(b) Use of Monies in the Trust Fund. – The monies in the Trust Fund may be used only for the purposes set forth in this subsection, including (i) scholarship loans granted under the Principal Fellows Program, administrative costs, and costs associated with program operations in accordance with this Article and (ii) the award of grants pursuant to G.S. 116-74.44, with any monies in the Trust Fund that are unencumbered due to a reduction in the number of scholarship loans awarded under the Principal Fellows Program and from any funds appropriated for the Program. The Authority may use up to two percent (2%) of the funds appropriated for the Program or one hundred sixty thousand dollars (\$160,000) from the Trust Fund, whichever is greater, each fiscal year for administrative costs, including recovery of funds advanced under the Program, and may allocate to the Commission up to eight hundred thousand dollars (\$800,000) from the Trust Fund each fiscal year for the following:

- (1) The salary and benefits of the director and staff of the Program.
- (2) The expenses of the Commission for the Principal Fellows Program, including applicant recruitment.
- (3) Principal Fellows Program monitoring and evaluation.
- (4) Extracurricular enhancement activities for the Program.
- (5) The expenses of the Commission to administer grants pursuant to G.S. 116-74.44.

**"§ 116-74.42. Principal Fellows Program established; administration.**

(a) Program. – A Principal Fellows Program shall be administered by the North Carolina Principal Fellows and TP3 Commission in collaboration with the State Education Assistance Authority. The Principal Fellows Program shall provide up to a two-year scholarship loan to selected recipients and shall provide extracurricular enhancement activities for recipients. The North Carolina Principal Fellows and TP3 Commission shall determine selection criteria, methods of selection, and shall select recipients to receive scholarship loans made under the Principal Fellows Program.

~~(a1) Trust Fund. The Principal Fellows Trust Fund (Trust Fund) shall be an institutional trust fund established pursuant to G.S. 116-36.1. All funds appropriated to, or otherwise received by, the Principal Fellows Program for scholarships and other program purposes, all funds received as repayment of scholarship loans, and all interest earned on these funds shall be placed in the Trust Fund.~~

~~(a2) Use of Monies in the Trust Fund. The monies in the Trust Fund may be used only for scholarship loans granted under the Principal Fellows Program, administrative costs, and costs associated with program operations in accordance with this Article. The Authority may use up to eight hundred thousand dollars (\$800,000) from the Trust Fund each fiscal year for (i) its administrative costs, including recovery of funds advanced under the program; (ii) the salary and benefits of the director of the program; (iii) the expenses of the Commission, including applicant recruitment; and (iv) funds provided to the Commission for program monitoring and evaluation and extracurricular enhancement activities for program recipients.~~

~~(b) Director. – The Board of Governors of The University of North Carolina shall appoint a director of the Program appointed by the Commission shall oversee the Principal Fellows Program. The director shall chair and staff the Principal Fellows Commission, and shall administer the extracurricular enhancement activities of the program. The Board of Governors University of North Carolina System Office shall provide office space and clerical support staff for the program.~~ program in accordance with G.S. 116-74.49.

...

(g) Administration of the Program. – Upon the naming of recipients of the scholarship loans by the Principal Fellows and TP3 Commission, the Commission shall transfer to the State Education Assistance Authority (SEAA) its decisions. The SEAA Authority shall perform all of the administrative functions necessary to implement the requirements for the Principal Fellows Program under this Article, which functions shall include: rule making, dissemination of

information, disbursement, receipt, liaison with participating educational institutions, determination of the acceptability of service repayment agreements, and all other functions necessary for the execution, payment, and enforcement of promissory notes required for the Principal Fellows Program under this Article.

**"§ 116-74.43. Terms of ~~loans~~; loans for the Principal Fellows Program; receipt and disbursement of funds.**

(a) All scholarship loans for the Principal Fellows Program shall be evidenced by notes made payable to the State Education Assistance 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 school administrator program, or 90 days after termination of the scholarship loan, whichever is earlier. The scholarship 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.

**"§ 116-74.44. North Carolina Transforming Principal Preparation Program established; administration.**

(a) Established. – There is established the North Carolina Transforming Principal Preparation Program as a competitive grant program for eligible entities for the purpose of elevating educators in North Carolina public schools by transforming the preparation of principals across the State and providing for forgivable scholarship loans to the participants of those school leader preparation programs. The Authority shall administer the North Carolina Transforming Principal Preparation Program in collaboration with the Commission as set forth in this Article to provide funds for the preparation and support of highly effective future school principals in North Carolina.

(b) Program Administration. – The Commission shall select grant recipients and notify the Authority for the award of the grants with the Authority acting as the fiscal agent for the Trust Fund with respect to grants awarded by the Commission. The Commission shall also coordinate with grant recipients to provide extracurricular enhancement activities for program participants. The Authority shall monitor the implementation of forgivable scholarship loans to school leader preparation program participants, as authorized by this Article.

(c) Administration of Forgivable Scholarship Loans. – Upon the grant recipients' selection of the program participants for the school leader preparation programs, the Commission shall transfer the names of all program participants to the Authority. The Authority shall perform all of the administrative functions necessary to implement the forgivable scholarship loans to the school leader preparation program participants, which functions shall include rule making, disseminating information, acting as a liaison with participating eligible entities, implementing forgivable loan agreements in the form of promissory notes, monitoring loan repayment through service and cash, and performing all other functions necessary for the execution, payment, and enforcement of promissory notes required under this Article.

**"§ 116-74.45. Grant applications; priority.**

(a) Application Requirements. – Subject to the availability of funds for this purpose, the Commission shall issue a request for proposal with guidelines and criteria for applying for a grant. An eligible entity that seeks a grant shall submit to the Commission an application at such time, in such manner, and accompanied by such information as the Commission may require. Eligible entities may create partnerships to develop and establish school leader preparation programs and apply jointly to be a grant recipient. An applicant shall include at least the following information in its application for consideration by the Commission:

- (1) The extent to which the entity has a demonstrated record of preparing school leaders who implement school leadership practices linked to increased student achievement.

(2) The extent to which the entity has a rigorous school leader preparation program design that includes the following research-based programmatic elements:

- a. A proactive, aggressive, and intentional recruitment strategy.
- b. Rigorous selection criteria based on competencies that are predictive of success as a school leader, including, but not limited to, evidence of significant positive effect on student learning growth in the classroom, at the public school level, professional recommendations, evidence of problem solving and critical thinking skills, achievement drive, and leadership of adults.
- c. Alignment to high-quality national standards for school leadership development.
- d. Rigorous coursework that effectively links theory with practice through the use of field experiences and problem-based learning.
- e. Full-time paid clinical practice of at least five months and 750 hours in duration in an authentic setting, including substantial leadership responsibilities where candidates are evaluated on leadership skills and effect on student outcomes as part of program completion.
- f. Multiple opportunities for school leader candidates to be observed and coached by program faculty and staff.
- g. Clear expectations for and firm commitment from school leaders who will oversee the clinical practice of candidates.
- h. Evaluation of school leader candidates during and at the end of the clinical practice based on the North Carolina School Executive Evaluation Rubric.
- i. A process for continuous review and program improvement based on feedback from partnering local school administrative units and data from program completers, including student achievement data.
- j. Established relationship and feedback loop with affiliated local school administrative units that is used to inform and improve programmatic elements from year to year based on units' needs.

(b) Application Priority. – The Commission shall evaluate the applicants for grants by giving priority to an eligible entity with a record of preparing principals demonstrating the following:

- (1) Improvement in student achievement.
- (2) Placement as school leaders in eligible schools.
- (3) A proposed focus on and, if applicable, a record of serving high-need schools, high-need local school administrative units, or both.
- (4) A detailed plan and commitment to share lessons learned and to improve the capacity of other entities in reaching similar outcomes.
- (5) A service area that is underserved by existing principal preparation programs or demonstrates unmet need despite current available programs.

**"§ 116-74.46. Recipient selection; use of grant funds; duration and conditions of grants; reporting requirements.**

(a) Selection. – After evaluation of grant applications pursuant to G.S. 116-74.45, the Commission shall notify the Authority of its selection of the recipients of grants for each fiscal year. The Commission shall select up to eight grant recipients to be operating a school leader preparation program with grant funds in any fiscal year.

(b) Use of Funds. – Each eligible entity that receives grant funds shall use those funds to carry out the following:



- 1           (1)     Recruiting and selecting, based on a rigorous evaluation of the competencies  
2               of the school leader candidates participating in the program and their potential  
3               and desire to become effective school leaders.
- 4           (2)     Operating a school leader preparation program that provides the opportunity  
5               for all candidates to earn a master's degree, if they do not already have one,  
6               and subsequent principal licensure by doing the following:
- 7               a.     Utilizing a research-based content and curriculum, including  
8                    embedded participant assessments to evaluate candidates before  
9                    program completion that prepares candidates to do the following:
- 10                   1.    Provide instructional leadership, such as developing teachers'  
11                    instructional practices and analyzing classroom and  
12                    school-wide data to support teachers.
- 13                   2.    Manage talent, such as developing a high-performing team.
- 14                   3.    Build a positive school culture, such as building a strong school  
15                    culture focused on high academic achievement for all students,  
16                    including gifted and talented students, students with  
17                    disabilities, and English learners, maintaining active  
18                    engagement with family and community members, and  
19                    ensuring student safety.
- 20                   4.    Develop organizational practices, such as aligning staff,  
21                    budget, and time to the instructional priorities of the school.
- 22               b.     Providing opportunities for sustained and high-quality job-embedded  
23                    practice in an authentic setting where candidates are responsible for  
24                    moving the practice and performance of a subset of teachers or for  
25                    school-wide performance as principal-in-planning or interim school  
26                    leaders.
- 27           (3)     Collecting data on program implementation and program completer outcomes  
28               for continuous program improvement.
- 29           (4)     Covering the cost of attendance and completion for program participants for  
30               the school leader preparation program from the funds received on behalf of  
31               program participants through forgivable scholarship loans issued in  
32               accordance with the requirements of G.S. 116-74.48.
- 33       (c)     Duration and Conditions of Grants. – The Commission shall also notify the Authority  
34       of its decisions on the duration and renewal of grants to eligible entities made in accordance with  
35       the following:
- 36           (1)     The duration of grants shall be as follows:
- 37               a.     Grants shall be no more than five years and no fewer than two years  
38                    in duration, unless the Commission finds early termination of a grant  
39                    is necessary due to noncompliance with grant terms.
- 40               b.     The Commission may renew a grant based on compliance with the  
41                    grant terms and performance, including allowing the grantee to scale  
42                    up or replicate the successful program as provided in subdivision (3)  
43                    of this subsection.
- 44           (2)     The following conditions shall apply during the grant period:
- 45               a.     The Commission shall develop a process with the Authority for early  
46                    retrieval of grant funds from grant recipients due to noncompliance  
47                    with grant terms, including participation in third-party evaluation  
48                    activities.
- 49               b.     The Commission shall develop and enforce requirements for the  
50                    disbursement of funds to the grantee for forgivable scholarship loans  
51                    on behalf of program participants, which shall include the requirement

that program graduates serve as school-based administrators in public schools located in North Carolina. Grantees shall facilitate the execution of promissory notes between the Authority and program participants containing the terms for forgivable scholarship loans, including requirements for forgiveness or repayment, consistent with requirements established by the Commission and the provisions of G.S. 116-74.48. The Commission shall monitor the repayment of a forgivable scholarship loan, in collaboration with the Authority and grantees.

(3) In evaluating performance for purposes of grant renewal and making its renewal decisions to provide to the Authority, the Commission shall consider at least the following:

- a. For all grantees, the primary consideration in renewing grants shall be the extent to which program participants improved student achievement in eligible schools.
- b. Other criteria from data received in the annual report in subsection (d) of this section may include the following:
  1. The percentage of program completers who are placed as school leaders in this State within three years of receiving a grant.
  2. The percentage of program completers who are rated proficient or above on the North Carolina School Executive Evaluation Rubric.

(d) Reporting Requirements for Grant Recipients. – Recipients of grants shall participate in all evaluation activities required by the Commission and submit an annual report to the Commission with any information requested by the Commission. The recipients shall comply with additional report requests made by the Commission. Whenever practicable and within a reasonable amount of time, grant recipients shall also make all materials developed as part of the program and with grant funds publicly available to contribute to the broader sharing of promising practices. Materials shall not include personally identifiable information regarding individuals involved or associated with the program, including, without limitation, applicants, participants, supervisors, evaluators, faculty, and staff, without their prior written consent. The Commission shall work with recipients, local school administrative units, and public schools, as needed, to enable the collection, analysis, and evaluation of at least the following relevant data, within necessary privacy constraints:

- (1) Student achievement in eligible schools.
- (2) The percentage of program completers who are placed as school leaders within three years in the State.
- (3) The percentage of program completers who are placed as school leaders within three years in high-need schools in the State.
- (4) The percentage of program completers rated proficient or above on school leader evaluation and support systems.
- (5) The percentage of program completers that are school leaders who have remained employed in a North Carolina public school for two or more years of initial placement.

**"§ 116-74.47. Reports.**

The Commission shall provide the State Board of Education, the Authority, and the Joint Legislative Education Oversight Committee with the data collected from grant recipients in accordance with G.S. 116-74.46 on an annual basis.

**"§ 116-74.48. Terms of forgivable scholarship loans for program recipients.**



(a) Notes. – A program participant shall be eligible for a forgivable scholarship loan in the amount of up to twenty thousand dollars (\$20,000) per year for up to two years in the program, with a maximum loan amount of forty thousand dollars (\$40,000) per participant. All forgivable scholarship loans for school leader preparation program participants 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 school leader preparation program, or 90 days after termination of the loan, whichever is earlier. The funds from the forgivable scholarship loan shall be disbursed directly to the grantee on behalf of the recipient for participation in the school leader preparation program. The forgivable scholarship loan may be terminated upon the recipient's withdrawal from the preparation program or by the recipient's failure to meet the standards set by the Commission or the grantee.

(b) Forgiveness through Service. – The Authority shall forgive the total amount of a forgivable scholarship loan and any interest accrued on the loan if, within seven years after graduation from a school leader preparation program, exclusive of any authorized deferment for extenuating circumstances, the recipient serves as a school administrator at a North Carolina public school, in any combination of the following for every year of service:

(1) If the school administrator serves one year at a school that qualifies as a high-need school under G.S. 116-74.41A at the time the school administrator accepts employment at the school or, if the school administrator changes employment during this period at another high-need school, then the recipient shall have fifty percent (50%) of the total amount of the loans forgiven.

(2) If the school administrator serves one year at a school that does not qualify as a high-need school under G.S. 116-74.41A, then the recipient shall have twenty-five percent (25%) of the total amount of the loans forgiven.

A recipient shall be eligible for a percentage of the total amount of loans forgiven under this subsection regardless of whether the recipient repays all of the recipient's forgivable scholarship loans through service.

(c) Repayment Period. – The Authority, in collaboration with the Commission and grantees, shall monitor the acceptability of service repayment agreements and compliance of the recipient with the agreement. The Commission shall notify the Authority of any relevant information or change in the circumstances pertaining to the recipient impacting the enforcement of the promissory note. A forgivable scholarship loan shall also be forgiven if the Commission finds it is impossible for the recipient to work for four years as a school administrator, within seven years after completion of the preparation program supported by the loan, because of the death or permanent disability of the recipient. If the recipient repays the forgivable scholarship loan by cash payments to the Authority, all indebtedness shall be repaid within 10 years after completion of the school leader preparation program supported by the loan. If the recipient completes the school leader preparation program, 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 forgivable scholarship loan in cash to no more than a total of 12 years.

**"§ 116-74.49. Staff to the Commission.**

The Commission shall appoint a director of the North Carolina Principal Fellows and Transforming Principal Preparation Program. The director shall chair and staff the Commission and shall administer the extracurricular enhancement activities of the Program. The University of North Carolina System Office shall provide office space for the Program. The office space shall not be located on the campus of a constituent institution."

**SECTION 1.(m)** G.S. 120-123(59a) reads as rewritten:

"(59a) The North Carolina Principal Fellows and TP3 Commission established by G.S. 116-74.41."

**SECTION 1.(n)** Notwithstanding G.S. 116-74.41, as amended by this section, the terms of the current members serving on the Principal Fellows Commission representing two deans of schools of education and a parent of a public school child shall expire July 1, 2019. The initial appointment of the (i) human resources expert, (ii) one dean of a school of education appointed by the President of The University of North Carolina, and (iii) one dean of a school of education appointed by the President of the North Carolina Independent Colleges and Universities to the North Carolina Principal Fellows and TP3 Commission pursuant to G.S. 116-74.41, as amended by this section, shall be made by August 1, 2019. The member appointed to represent a human resources expert shall serve for a term of four years to expire July 1, 2023. The member appointed to represent one dean of a school of education by the President of The University of North Carolina and the member appointed to represent one dean of a school of education by the President of the North Carolina Independent Colleges and Universities shall serve for terms of two years to expire July 1, 2021. The remaining members serving on the Principal Fellows Commission as of July 1, 2019, who were appointed pursuant to G.S. 116-74.41, shall serve the remainder of their terms as members of the North Carolina Principal Fellows and TP3 Commission.

**SECTION 1.(o)** Notwithstanding G.S. 116-74.46, as enacted by this section, a grantee awarded a grant pursuant to G.S. 116-209.73 for the 2019-2020 or 2020-2021 fiscal year may apply to the North Carolina Principal Fellows and TP3 Commission for renewal of the grant in accordance with the requirements of G.S. 116-74.46. Effective July 1, 2021, a grantee awarded a grant pursuant to G.S. 116-209.73 with a grant term extending on or after July 1, 2021, shall be subject to administration of the grant pursuant to Article 5C of Chapter 116 of the General Statutes, as amended by this section, for the remainder of the grant term.

Notwithstanding G.S. 116-74.48, as enacted by this section, eligibility for a forgivable scholarship loan under G.S. 116-74.48 shall apply beginning with school leader program participants entering, on or after June 1, 2020, a school leader preparation program that is supported by a grant awarded pursuant to G.S. 116-74.46.

**SECTION 1.(p)** Notwithstanding any other provision of law, the Office of State Budget and Management shall transfer the unexpended balance in the Principal Fellows Trust Fund established under G.S. 116-74.42 to the North Carolina Principal Fellows and TP3 Trust Fund established under G.S. 116-74.41B.

**SECTION 1.(q)** Notwithstanding any other provision of law, beginning with the 2019-2020 fiscal year, of the funds appropriated from the General Fund to the Principal Fellows Trust Fund established under G.S. 116-74.42 each fiscal year, the sum of three million two hundred fifty-eight thousand dollars (\$3,258,000) in recurring funds shall instead be appropriated to the North Carolina Principal Fellows and TP3 Trust Fund established under G.S. 116-74.41B.

**SECTION 1.(r)** Notwithstanding any other provision of law, beginning with the 2020-2021 fiscal year, of the funds appropriated from the General Fund to the Board of Governors of The University of North Carolina for the Transforming Principal Preparation Grant Program established under G.S. 116-209.70 for each fiscal year, the sum of one million five hundred seventy-three thousand nine hundred two dollars (\$1,573,902) in recurring funds shall instead be appropriated to the North Carolina Principal Fellows and TP3 Trust Fund established under G.S. 116-74.41B to be used to award grants pursuant to G.S. 116-74.44.

**SECTION 1.(s)** Effective July 1, 2021, G.S. 116-74.42 and G.S. 116-74.43 are repealed.

**SECTION 1.(t)** The North Carolina Principal Fellows and TP3 Commission shall make final scholarship loan awards for the Principal Fellows Program for the 2021 spring academic semester.

**SECTION 1.(u)** Effective July 1, 2021, G.S. 116-204 reads as rewritten:  
**"§ 116-204. Powers of Authority.**

The Authority is hereby authorized and empowered:



...  
(13) To collect loan repayments for scholarship loans awarded under the former Principal Fellows Program pursuant to Article 5C of this Chapter if the loan repayment is outstanding for more than 30 days."

SECTION 1.(v) Effective July 1, 2021, Article 23 of Chapter 116 of the General Statutes is amended by adding a new section to read:

**"§ 116-209.28. Administration of scholarships previously awarded by the Principal Fellows Program.**

(a) The Authority shall, as of July 1, 2021, administer all outstanding scholarship loans previously awarded by the former North Carolina Principal Fellows Commission and subject to repayment under the former Principal Fellows Program administered pursuant to Article 5C of this Chapter.

(b) All funds received by the Authority in association with its administration of the Principal Fellows Program, including all funds received as repayment of scholarship loans and all interest earned on these funds, shall be deposited into the North Carolina Principal Fellows and TP3 Trust Fund established in G.S. 116-74.41B."

SECTION 1.(w) Effective July 1, 2021, G.S. 116-74.41(a), as amended by this section, reads as rewritten:

"(a) There is established the North Carolina Principal Fellows and TP3 Commission. The Commission shall exercise its powers and duties independently in its administration of the North Carolina Principal Fellows and Transforming Principal Preparation Program, which includes the Principal Fellows Program and the North Carolina Transforming Principal Preparation Program, Program in accordance with this Article. The Director of the Program shall staff the Commission in accordance with G.S. 116-74.49. The State Education Assistance Authority as created in G.S. 116-203 shall be responsible for (i) ~~implementing scholarship loan agreements, monitoring, cancelling through service, collecting and otherwise enforcing the agreements for the Principal Fellows Program scholarship loans established in accordance with G.S. 116-74.42 and (ii) awarding grants upon selection of the recipients by the Commission in accordance with G.S. 116-74.46 and executing agreements for forgivable scholarship loans, cancelling through service, collecting, and otherwise enforcing the agreements under G.S. 116-74.48."~~

SECTION 1.(x) Effective July 1, 2021, G.S. 116-74.41A, as enacted by this section, reads as rewritten:

**"§ 116-74.41A. Definitions.**

For the purposes of this Article, the following definitions apply:

...  
(6) ~~North Carolina Transforming Principal Preparation Program. The North Carolina Transforming Principal Preparation Program established pursuant to G.S. 116-74.44.~~

(7) Principal. – The highest administrative official in a public school building with primary responsibility for the instructional leadership, talent management, and organizational development of the school.

(8) ~~Principal Fellows Program. The Principal Fellows Program established pursuant to G.S. 116-74.42.~~

(9) Program. – The North Carolina Principal Fellows and Transforming Principal Preparation Program, which shall include the Principal Fellows Program and the North Carolina Transforming Principal Preparation Program, Program established pursuant to G.S. 116-74.44.

..."

SECTION 1.(y) Effective July 1, 2021, G.S. 116-74.41B, as enacted by this section, reads as rewritten:

**"§ 116-74.41B. The North Carolina Principal Fellows and TP3 Trust Fund.**



(a) Trust Fund Established. – The North Carolina Principal Fellows and TP3 Trust Fund shall be an institutional trust fund established pursuant to G.S. 116-36.1. All funds appropriated to, or otherwise received by, ~~(i) the Principal Fellows Program for scholarships and other program purposes, (ii) (i) the Program for the award of grants pursuant to G.S. 116-74.44, (iii) (ii) all funds received as repayment of scholarship loans, including under the former Principal Fellows Program administered under G.S. 116-74.42 and the Transforming Principal Preparation Program under G.S. 116-209.76, and (iv) (iii) all interest earned on these funds shall be placed~~ in the Trust Fund.

(b) Use of Monies in the Trust Fund. – The monies in the Trust Fund may be used only for the purposes set forth in this subsection, including ~~(i) scholarship loans granted under the Principal Fellows Program, administrative costs, and costs associated with program operations in accordance with this Article and (ii) the award of grants pursuant to G.S. 116-74.44, with any monies in the Trust Fund that are unencumbered due to a reduction in the number of scholarship loans awarded under the Principal Fellows Program and from any funds appropriated for the Program, administrative costs, and costs associated with Program operations in accordance with this Article.~~ The Authority may use up to two percent (2%) of the funds appropriated for the Program or one hundred sixty thousand dollars (\$160,000) from the Trust Fund, whichever is greater, each fiscal year for the Program for administrative costs, including recovery of funds advanced under the Program, and may allocate to the Commission up to eight hundred thousand dollars (\$800,000) from the Trust Fund each fiscal year for the following:

- (1) The salary and benefits of the director and staff of the Program.
- (2) The expenses of the Commission ~~for the Principal Fellows Program, including applicant recruitment to administer the Program.~~
- (3) ~~Principal Fellows Program~~ monitoring and evaluation.
- (4) Extracurricular enhancement activities for the Program.
- (5) ~~The expenses of the Commission to administer grants pursuant to G.S. 116-74.44."~~

**SECTION 1.(z)** Effective July 1, 2021, G.S. 116-74.44, as enacted by this section, reads as rewritten:

**"§ 116-74.44. North Carolina Principal Fellows and Transforming Principal Preparation Program established; administration.**

(a) Established. – There is established the North Carolina Principal Fellows and Transforming Principal Preparation Program as a competitive grant program for eligible entities for the purpose of elevating educators in North Carolina public schools by transforming the preparation of principals across the State and providing for forgivable scholarship loans to the participants of those school leader preparation programs. The Authority shall administer the North Carolina Principal Fellows and Transforming Principal Preparation Program in collaboration with the Commission as set forth in this Article to provide funds for the preparation and support of highly effective future school principals in North Carolina.

(b) Program Administration. – The Commission shall select grant recipients and notify the Authority for the award of the grants with the Authority acting as the fiscal agent for the Trust Fund with respect to grants awarded by the Commission. The Commission shall also coordinate with grant recipients to provide extracurricular enhancement activities for program participants. The Authority shall monitor the implementation of forgivable scholarship loans to school leader preparation program participants, as authorized by this Article.

(c) Administration of Forgivable Scholarship Loans. – Upon the grant recipients' selection of the program participants for the school leader preparation programs, the Commission shall transfer the names of all program participants to the Authority. The Authority shall perform all of the administrative functions necessary to implement the forgivable scholarship loans to the school leader preparation program participants, which functions shall include rule making, disseminating information, acting as a liaison with participating eligible entities, implementing

1 forgivable loan agreements in the form of promissory notes, monitoring loan repayment through  
2 service and cash, and performing all other functions necessary for the execution, payment, and  
3 enforcement of promissory notes required under this Article.

4 (d) Prior Loan Monitoring. – The Authority, in collaboration with Commission, shall also  
5 monitor the implementation of forgivable scholarship loans to school leader preparation program  
6 participants executed pursuant to G.S. 116-209.76, and the Authority shall administer all  
7 outstanding forgivable scholarship loans previously awarded and subject to repayment under the  
8 former Transforming Principal Preparation Program administered pursuant to Part 4 of Article  
9 23 of this Chapter."

10 **SECTION 1.(aa)** Notwithstanding any other provision of law, beginning with the  
11 2021-2022 fiscal year, of the funds appropriated from the General Fund to the Board of  
12 Governors of The University of North Carolina for the Transforming Principal Preparation Grant  
13 Program established under G.S. 116-209.70, the sum of three million six thousand ninety-eight  
14 dollars (\$3,006,098) in recurring funds shall instead be appropriated to the Principal Fellows and  
15 TP3 Trust Fund established under G.S. 116-74.41B.

16 **SECTION 1.(bb)** Except as otherwise provided, this act is effective when it becomes  
17 law.



## SENATE BILL 366: 10th Grade/College Transfer Pathways.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 11, 2019
<b>Introduced by:</b>	Sens. McInnis, B. Jackson	<b>Prepared by:</b>	Samantha Yarborough Staff Attorney
<b>Analysis of:</b>	PCS to Second Edition S366-CSBN-24		

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**OVERVIEW:** *Senate Bill 366 would expand the career and technical education pathway to high school freshman and sophomores to include construction courses as well as expand the college transfer pathway to certain high school freshman and sophomores.*

*The PCS to SB 366 would (i) expand the career and technical education pathway to high school freshman and sophomores to include construction and business technologies courses, (ii) expand the college transfer pathway only to certain high school sophomores, and (iii) require that those sophomores receive academic advising on entering college early and get parental consent before participating in the pathway.*

**CURRENT LAW:** The Career and College Promise Program allows local community colleges to collaborate with local school administrative units to offer courses to high school students through various pathways: (i) Cooperative Innovative High Schools (CIHS); (ii) college transfer pathway; and (iii) career and technical education pathway.

### Career and Technical Education Pathway—High School Juniors and Seniors

High school juniors and seniors are eligible for the career and technical education pathway if they have a weighted GPA of 3.0 for their high school courses or have a recommendation of the high school principal or designee. These college and technical education courses can be used to provide partial or full fulfillment of the four-unit high school career cluster.

### Career and Technical Education Pathway—High School Freshman and Sophomores

High school freshman and sophomores are eligible for the career and technical education pathway for certificates and diplomas in the following areas: (i) industrial technologies; (ii) engineering technologies; (iii) agriculture and natural resources; and (iv) transportation. These students also must meet academic requirements, including having passed Math I with a grade of "C" or better; test college ready in math, English, and reading, and have the recommendation of the high school principal or designee. These college and technical education courses can be used to provide partial or full fulfillment of the four-unit high school career cluster.

### College Transfer Pathway—High School Juniors and Seniors

High school juniors and seniors are eligible for the college transfer path if they have a weighted GPA of 3.0 and have demonstrated college readiness in English, reading, and mathematics by meeting benchmarks on diagnostic assessment tests which have been approved by the State Board of Community Colleges.

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.*

# Senate PCS 366

Page 2

**BILL ANALYSIS:** The PCS to Senate Bill 366 would expand the career and technical education pathway to high school freshman and sophomores to include construction and business technologies courses that lead to career technical education certificates, diplomas, or State or industry-recognized credentials.

The PCS would expand the college transfer pathway to certain high school sophomores. In order to qualify to take college transfer courses, sophomore high school students would need to be determined to be academically gifted, have a demonstrated readiness for the course material, and have the maturity to justify admission to the community college by the following people: (i) the community college president, (ii) the student's high school principal, or equivalent administrator, and (iii) the Academically Gifted Coordinator, if one is employed by the high school or local school administrative unit.

Additionally, the PCS would require sophomore high school students to participate in academic advising focused on the implications of being admitted to college early with representatives from the high school and the community college. The student's parent or guardian would have to give consent for the student to participate in the pathway.

**EFFECTIVE DATE:** The bill would become effective when it becomes law and applies with beginning with the 2019-2020 school year.

*Drupti Chauhan, Committee Counsel, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 366  
Education/Higher Education Committee Substitute Adopted 5/1/19

Short Title: 9th/10th Grade/College Transfer Pathways.

(Public)

Sponsors:

Referred to:

March 27, 2019

A BILL TO BE ENTITLED

AN ACT TO PERMIT CERTAIN FRESHMAN AND SOPHOMORE HIGH SCHOOL STUDENTS TO BE ELIGIBLE TO ENROLL IN COLLEGE COURSES AS PART OF AN ACADEMIC TRANSITION PATHWAY OR COLLEGE TRANSFER CERTIFICATE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115D-20(4)a. reads as rewritten:

"a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:

1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate, diploma, or State or industry-recognized credential and academic transition pathways for qualified freshmen and sophomore high school students that lead to a career technical education certificate or diploma in (i) industrial and engineering technologies, (ii) agriculture and natural resources, ~~or (iii) transportation technology-technology, or (iv) construction.~~
3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.
4. College transfer certificates requiring the successful completion of 30 semester credit hours of transfer courses, including English and mathematics, for qualified freshman and sophomore high school students. In order for a freshman or sophomore high school student to qualify under this sub-sub-subdivision, the student shall be determined to be academically gifted, have a demonstrated readiness for the course material, and have the maturity to justify admission to the community college. The determination as to whether a student qualifies under this sub-sub-subdivision shall be made by the community college president and the student's high school principal or equivalent or that person's designee."



1                   **SECTION 2.** This act is effective when it becomes law and applies beginning with  
2 the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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D

SENATE BILL 366  
Education/Higher Education Committee Substitute Adopted 5/1/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S366-CSBN-24 [v.3]

06/10/2019 09:46:09 AM

Short Title: 10th Grade/College Transfer Pathways.

(Public)

Sponsors:

Referred to:

March 27, 2019

A BILL TO BE ENTITLED

AN ACT TO EXPAND ACADEMIC TRANSITION PATHWAY OPTIONS FOR CERTAIN FRESHMAN AND SOPHOMORE HIGH SCHOOL STUDENTS AND TO PERMIT CERTAIN SOPHOMORE HIGH SCHOOL STUDENTS TO ENROLL IN COLLEGE COURSES AS PART OF A COLLEGE TRANSFER PATHWAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-20(4)a. reads as rewritten:

"a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:

1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate, diploma, or State or industry-recognized credential and academic transition pathways for qualified freshman and sophomore high school students that lead to a career technical education certificate or diploma in (i) industrial and engineering technologies, (ii) agriculture and natural resources, ~~or~~ (iii) transportation ~~technology~~, (iv) construction, or (v) business technologies.
3. College transfer ~~certificates~~ pathways requiring the successful completion of ~~thirty~~ 30 semester credit hours of transfer courses, including English and mathematics, for the following students:

I. Qualified junior and senior high school students.

II. Qualified sophomore high school students, if all of the following requirements are met:

- A. The student is determined to be academically gifted, have a demonstrated readiness for the course material, and have the maturity to justify admission to the community college by (i) the community college president, (ii) the student's high school principal, or equivalent administrator, and (iii) the Academically Gifted



\* S 3 6 6 - C S B N - 2 4 \*

Coordinator, if one is employed by the high school or local school administrative unit.

B. The student participates in academic advising focused on the implications of being admitted to college early with representatives from the high school and the community college.

C. The student's parent or guardian has given consent for the student to participate."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2019-2020 school year.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 366

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

S366-ABN-41 [v.2]

Page 1 of 2

Amends Title [YES]  
S366-CSBN-24 [v.3]

Date June 11, ,2019

Representative Fraley

1 moves to amend the bill on page 1, lines 3-5, by rewriting the lines to read:

2  
3 "FRESHMAN AND SOPHOMORE HIGH SCHOOL STUDENTS, TO PERMIT CERTAIN  
4 SOPHOMORE HIGH SCHOOL STUDENTS TO ENROLL IN COLLEGE COURSES AS  
5 PART OF A COLLEGE TRANSFER PATHWAY, AND TO REQUIRE THE STATE BOARD  
6 OF EDUCATION TO INCLUDE CERTAIN INDIVIDUALS AS QUALIFIED TO  
7 CONTRACT AS ADJUNCT INSTRUCTORS WITH LOCAL BOARDS OF EDUCATION  
8 FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.";

9  
10 And on page 2, lines 8-9, by inserting the following between those lines:

11  
12 "SECTION 1.5. G.S. 115C-157.1 reads as rewritten:

13 "**§ 115C-157.1. Adjunct CTE instructors.**

14 (a) Adjunct Hiring Criteria. – The State Board of Education shall develop minimum  
15 criteria of relevant education or employment experience to qualify to contract as an adjunct  
16 instructor in each career and technical education career ~~cluster~~cluster. The State Board shall  
17 include in the criteria that an individual who does not possess an associate or baccalaureate  
18 degree shall be qualified as an adjunct instructor if the individual (i) can clearly demonstrate a  
19 minimum of six years in the last 10 years of professional experience in the relevant skill or trade  
20 and (ii) possesses a recognized industry credential or an active professional license that is  
21 required for each subject area or course. The State Board shall make such the minimum criteria  
22 available to local boards of education.

23 (b) Contracting with Adjunct Instructors. – Notwithstanding Article 20 and Part 3 of  
24 Article 22 of this Chapter, a local board of education may contract with an individual to serve as  
25 an adjunct instructor who meets the adjunct hiring criteria established by the State Board of  
26 Education for a specific career and technical education career cluster. The local board of  
27 education may contract with an adjunct instructor on an annual or semester basis, subject to the  
28 following requirements:

29 (1) ~~An adjunct instructor may be employed for no more than 10 hours per week.~~  
30 An adjunct instructor may be employed for no more than 20 hours per week  
31 or no more than five full consecutive months of employment. An adjunct  
32 instructor shall not be eligible to earn paid leave, participate in the Teachers'



\* S 3 6 6 - A B N - 4 1 - V - 2 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 366**

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

S366-ABN-41 [v.2]

Page 2 of 2

- 1                   and State Employees' Retirement System, or receive or purchase health  
2                   benefits through the State Health Plan for Teachers and State Employees.  
3           (2)    An adjunct instructor shall be subject to a criminal history check, to ensure  
4                   that the person has not been convicted of any crime listed in G.S. 115C-332.  
5           (3)    An adjunct instructor shall not be required to hold or apply for licensure as a  
6                   teacher.  
7           (4)    An adjunct instructor must complete preservice training in all of the following  
8                   areas prior to beginning instruction:  
9                   a.    The identification and education of children with disabilities.  
10                  b.    Positive management of student behavior.  
11                  c.    Effective communication for defusing and deescalating disruptive or  
12                   dangerous behavior.  
13                  d.    Safe and appropriate use of seclusion and restraint.""

SIGNED \_\_\_\_\_

  
Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_



FAILED \_\_\_\_\_

TABLED \_\_\_\_\_





## SENATE BILL 399: Rehire High-Need Teachers.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 11, 2019
<b>Introduced by:</b>	Sens. Horner, Berger, Chaudhuri	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	Third Edition		Committee Counsel

**OVERVIEW:** *Senate Bill 399 allows retired teachers to return to work in certain high-needs schools without adversely impacting their retirement benefits.*

**CURRENT LAW:** For a retiree of the Teachers' and State Employees' Retirement System (TSERS) who wishes to return to work with a TSERS employer and wishes to continue to receive his or her TSERS monthly retirement benefit, the retiree must meet the following conditions:

- Be retired for at least 6 months before returning to work for a TSERS employer.
- Work in a position that does not require membership in TSERS (membership in TSERS is required if a person is a permanent employee who works at least 30 hours per week for 9 months per year).
- Be subject to earnings restrictions. The retiree can earn (i) 50% of the gross pre-retirement salary or (ii) \$33,560 (2019 amount), whichever is greater.

**BILL ANALYSIS:** Senate Bill 399 would allow certain retired teachers to return to work in certain high-need schools and still receive their full retirement benefits. In order to qualify, a high-need retired teacher would be required to meet the following:

- Have retired on or before February 1, 2019, after attaining one of the following:
  - The age of 65 with 5 years of creditable service.
  - The age of 60 with 25 years of creditable service.
  - 30 years of creditable service.
- Be reemployed by a local board of education to teach at a high-need school.

**High-Need School:** A high-need school would be defined as a school that, at any point on or after July 1, 2017, (i) is a Title I school as defined by federal law or (ii) receives an overall school performance grade of D or F, as calculated by the State Board of Education.

**Salary During Reemployment:** High-need retired teachers would be paid on the 1st step of the teacher salary schedule. If the high-need retired teacher was reemployed to teach STEM (science, technology, engineering, and math) or special education, the high-need retired teacher would be paid on the 6th step of the salary schedule. High-need retired teachers could not receive any State salary supplements or bonuses and could not move to higher salary steps on the salary schedule.

**Local Salary Supplement:** High-need retired teachers would receive any local salary supplements that are given to other employees of the local board of education.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate Bill 399

Page 2

Term of Contract: The contract between a local board of education and a high-need retired teacher could not be for more than one school year.

The Superintendent of Public Instruction would identify and provide to local school administrative units (LEAs) a list of STEM and special education licensure areas that qualify for reemployment and the LEAs would make this available to high-need retired teachers. The Department of Public Instruction would certify to TSERS that a retiree is employed to teach as high-need retired teacher.

The State Treasurer would be required to seek a private letter ruling from the Internal Revenue Service regarding the provisions of this act. If the Internal Revenue Service determined that allowing retired teachers to return to work in certain high-need schools while receiving their retirement benefits would jeopardize the status of the TSERS under the Internal Revenue Code, then this act would be repealed 30 days from receipt of that determination by the State Treasurer. The State Treasurer would then notify all LEAs of the repeal and publicly notice the information on the website for the Department of State Treasurer. LEAs would be required to notify all high-need retired teachers who are employed of the repeal.

Any beneficiary employed to teach by a LEA as a high-need retired teacher would not be eligible to elect into a position that would lead him or her to be eligible to accrue any additional benefits under TSERS.

**EFFECTIVE DATE:** SB 399 would become effective July 1, 2019, and would expire June 30, 2021.

*The summary was substantially contributed to by Drupti Chauhan and Tawanda Foster, Staff Attorneys.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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3

SENATE BILL 399  
Education/Higher Education Committee Substitute Adopted 4/17/19  
Pensions and Retirement and Aging Committee Substitute Adopted 5/6/19

Short Title: Rehire High-Need Teachers.

(Public)

Sponsors:

Referred to:

April 1, 2019

A BILL TO BE ENTITLED  
AN ACT TO ALLOW FOR RETIRED TEACHERS TO RETURN TO WORK IN HIGH-NEED  
SCHOOLS WITHOUT ADVERSELY IMPACTING THE RETIRED TEACHERS'  
BENEFITS.

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-302.4. High-need retired teachers.**

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

(1) High-need retired teacher. – A beneficiary of the Teachers' and State  
Employees' Retirement System of North Carolina who meets both of the  
following requirements:

a. Retired on or before February 1, 2019, after attaining (i) the age of at  
least 65 with five years of creditable service, (ii) the age of at least 60  
with 25 years of creditable service, or (iii) 30 years of creditable  
service.

b. Is reemployed by a local board of education to teach at a high-need  
school.

(2) High-need school. – A school that, at any point on or after July 1, 2017, meets  
one of the following criteria:

a. Is a Title I school. As used in this sub-subdivision, a Title I school is a  
school identified under Part A of Title I of the Elementary and  
Secondary Education Act of 1965, as amended.

b. Receives an overall school performance grade of D or F, as calculated  
by the State Board of Education pursuant to G.S. 115C-83.15(d).

(3) STEM. – Science, technology, engineering, and mathematics.

(b) Salary Level. – A high-need retired teacher shall be compensated as follows:

(1) Except as provided in subdivision (2) of this subsection, a high-need retired  
teacher shall be paid on the first step of the teacher salary schedule.

(2) If a high-need retired teacher serves as a teacher in any of the following  
licensure areas, he or she shall be paid on the sixth step of the teacher salary  
schedule:

a. STEM.

b. Special education.





1       (c) No State Salary Supplements or Increase in Salary. – A high-need retired teacher shall  
2 not receive any State salary supplement or State bonus. A high-need retired teacher shall not  
3 move beyond the salary steps prescribed by subsection (b) of this section, regardless of the length  
4 of time spent as a high-need retired teacher.

5       (d) Local Salary Supplement. – A high-need retired teacher shall receive any local salary  
6 supplements that are given to employees of the local board of education.

7       (e) Term of Contract. – A contract between the local board of education and a high-need  
8 retired teacher shall be for a term of no more than one school year.

9       (f) Identification of STEM and Special Education Licensure Areas. – The Superintendent  
10 of Public Instruction shall identify and provide to each local school administrative unit a list of  
11 STEM and special education licensure areas that qualify for reemployment pursuant to  
12 subsection (b)(2) of this section. Local school administrative units shall make the list of STEM  
13 and special education licensure areas available to high-need retired teachers."

14       **SECTION 2.(a)** G.S. 135-3(8) is amended by adding a new sub-subdivision to read:

15       "g. Notwithstanding sub-subdivisions c. and d. of this subdivision, the  
16 computation of postretirement earnings of a beneficiary under this  
17 subdivision, who retired on or before February 1, 2019, and who has  
18 been retired at least six months, shall not include earnings while the  
19 beneficiary is employed to teach as a high-need retired teacher, as  
20 defined under G.S. 115C-302.4(a)(1). The Department of Public  
21 Instruction shall certify to the Retirement System that a beneficiary is  
22 employed to teach by a local board of education as a high-need retired  
23 teacher, as defined under G.S. 115C-302.4(a)(1).

24       Beneficiaries employed under this sub-subdivision are not entitled  
25 to any benefits otherwise provided under this Chapter as a result of this  
26 period of employment."

27       **SECTION 2.(b)** G.S. 135-3(8)c1. reads as rewritten:

28       "c1. Within 90 days of the end of each month in which a beneficiary is  
29 reemployed under the provisions of ~~sub-subdivision~~ sub-subdivisions  
30 c. and g. of this subdivision, each employer shall provide a report for  
31 that month on each reemployed beneficiary, including the terms of the  
32 reemployment, the date of the reemployment, and the amount of the  
33 monthly compensation. If such a report is not received within the  
34 required 90 days, the Board may assess the employer with a penalty of  
35 ten percent (10%) of the compensation of the unreported reemployed  
36 beneficiaries during the months for which the employer did not report  
37 the reemployed beneficiaries, with a minimum penalty of twenty-five  
38 dollars (\$25.00). If after being assessed a penalty, an employer  
39 provides clear and convincing evidence that the failure to report  
40 resulted from a lack of oversight or some other event beyond the  
41 employer's control and was not a deliberate attempt to omit the  
42 reporting of reemployed beneficiaries, the Board may reduce the  
43 penalty to not less than two percent (2%) of the compensation of the  
44 unreported reemployed beneficiaries during the months for which the  
45 employer failed to report, with a minimum penalty of twenty-five  
46 dollars (\$25.00). Upon receipt by the employer of notice that a penalty  
47 has been assessed under this sub-subdivision, the employer shall remit  
48 the payment of the penalty to the Retirement System, in one lump sum,  
49 no later than 90 days from the date of the notice."

50       **SECTION 3.** G.S. 135-1(10) reads as rewritten:



1           "(10) "Employee" shall mean all full-time employees, agents or officers of the State  
2           of North Carolina or any of its departments, bureaus and institutions other than  
3           educational, whether such employees are elected, appointed or employed:  
4           Provided that the term "employee" shall not include any person who is a  
5           member of the Consolidated Judicial Retirement System, any member of the  
6           General Assembly or Assembly, any part-time or temporary employee,  
7           employee, or any high-need retired teacher as defined under  
8           G.S. 115C-302.4(a)(1). Notwithstanding any other provision of law,  
9           "employee" shall include all employees of the General Assembly except  
10          participants in the Legislative Intern Program, pages, and beneficiaries in  
11          receipt of a monthly retirement allowance under this Chapter who are  
12          reemployed on a temporary basis. "Employee" also includes any participant  
13          whose employment is interrupted by reason of service in the Uniformed  
14          Services, as that term is defined in section 4303(16) of the Uniformed Services  
15          Employment and Reemployment Rights Act, Public Law 103-353, if that  
16          participant was an employee at the time of the interruption; if the participant  
17          does not return immediately after that service to employment with a covered  
18          employer in this System, then the participant shall be deemed "in service" until  
19          the date on which the participant was first eligible to be separated or released  
20          from his or her involuntary military service. In all cases of doubt, the Board  
21          of Trustees shall determine whether any person is an employee as defined in  
22          this Chapter. "Employee" shall also mean every full-time civilian employee  
23          of the North Carolina National Guard who is employed pursuant to section  
24          709 of Title 32 of the United States Code and paid from federal appropriated  
25          funds, but held by the federal authorities not to be a federal employee:  
26          Provided, however, that the authority or agency paying the salaries of such  
27          employees shall deduct or cause to be deducted from each employee's salary  
28          the employee's contribution in accordance with applicable provisions of  
29          G.S. 135-8 and remit the same, either directly or indirectly, to the Retirement  
30          System; coverage of employees described in this sentence shall commence  
31          upon the first day of the calendar year or fiscal year, whichever is earlier, next  
32          following the date of execution of an agreement between the Secretary of  
33          Defense of the United States and the Adjutant General of the State acting for  
34          the Governor in behalf of the State, but no credit shall be allowed pursuant to  
35          this sentence for any service previously rendered in the above-described  
36          capacity as a civilian employee of the North Carolina National Guard:  
37          Provided, further, that the Adjutant General, in the Adjutant General's  
38          discretion, may terminate the Retirement System coverage of the  
39          above-described North Carolina National Guard employees if a federal  
40          retirement system is established for such employees and the Adjutant General  
41          elects to secure coverage of such employees under such federal retirement  
42          system. Any full-time civilian employee of the North Carolina National Guard  
43          described above who is now or hereafter may become a member of the  
44          Retirement System may secure Retirement System credit for such service as  
45          a North Carolina National Guard civilian employee for the period preceding  
46          the time when such employees became eligible for Retirement System  
47          coverage by paying to the Retirement System an amount equal to that which  
48          would have constituted employee contributions if the employee had been a  
49          member during the years of ineligibility, plus interest. Employees of State  
50          agencies, departments, institutions, boards, and commissions who are  
51          employed in permanent job positions on a recurring basis must work at least

30 hours per week for nine or more months per calendar year in order to be covered by the provisions of this ~~subdivision~~. ~~subdivision~~, except that no high-need retired teacher as defined under G.S. 115C-302.4(a)(1) shall be considered an employee. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "employee" solely because the person holds a temporary or time-limited visa."

**SECTION 4.** G.S. 135-48.40(b)(1a) reads as rewritten:

"(1a) All retirees who (i) are employed by an employing unit that elects to be covered by this subdivision, (ii) do not qualify for coverage under subdivision (1) of this subsection, and (iii) are determined to be "full-time" by their employing unit in accordance with section 4980H of the Internal Revenue Code and the applicable regulations, as ~~amended~~. ~~amended~~, or are high-need retired teachers, as defined under G.S. 115C-302.4(a)(1). The employing unit shall pay the employer premiums for retirees who enroll under this subdivision."

**SECTION 5.(a)** The State Treasurer shall seek a private letter ruling from the Internal Revenue Service regarding the provisions of this act. In order to accomplish the purposes outlined in this act, including up to seventy-five thousand dollars (\$75,000) to obtain a private letter ruling from the Internal Revenue Service, the Retirement Systems Division of the Department of State Treasurer may increase receipts from the assets of the Teachers' and State Employees' Retirement System or pay costs associated with the administration of these changes directly from the plan assets.

**SECTION 5.(b)** If the Internal Revenue Service determines that the provisions of G.S. 135-3(8)g., as enacted by this act, relating to the computation of postretirement earnings of retired teachers jeopardize the status of the Teachers' and State Employees' Retirement System of North Carolina under the Internal Revenue Code, then this act is repealed 30 days from receipt of that determination by the State Treasurer. Upon receipt of that determination, the State Treasurer shall notify the Revisor of Statutes of the determination and the date of receipt. Within three business days of receipt of the determination, the State Treasurer shall notify all local school administrative units of the repeal of this act and shall publicly notice the receipt of this information on the Department of State Treasurer's Web site. Within three business days of receipt of the notice from the State Treasurer, a local school administrative unit shall notify all high-need retired teachers employed by its local board of education of the repeal of this act.

**SECTION 5.(c)** Any beneficiary that is employed to teach by a local school administrative unit as a high-need retired teacher, as defined in G.S. 115C-302.4(a)(1), shall not be eligible to elect into a position that would lead him or her to be eligible to accrue any additional benefits under G.S. 135-3(8). Any failure of a local school administrative unit or a beneficiary to comply with the foregoing shall be corrected by the Retirement System as it determines may be appropriate under State and federal law. Any costs of such correction, as determined by the Retirement System, shall be the sole responsibility of the local school administrative unit and shall be transferred to the Pension Accumulation Fund under G.S. 135-8, under such rules as shall be adopted by the Board of Trustees.

**SECTION 6.** This act becomes effective July 1, 2019, and expires June 30, 2021.



**House Committee on Education K-12  
Wednesday, June 18, 2019 at 1:00 PM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 1:00 p.m. on June 18, 2019 in Room 643 of the Legislative Office Building. Representatives Elmore, Horn and Johnson – Co-Chairs; Representatives Blackwell and Brockman-Vice-Chairs; and Representatives Ball, Beasley, Brewer, Brody, Corbin, Farmer-Butterfield, Fisher, Fraley, Gailliard, Gill, Graham, Hardister, Henson, Iler, Lucas, Meyer, Potts, Riddell, Smith, Strickland and Turner were in attendance. Also in attendance were Representatives B. Jones, Lewis and Senator Ballard.

Representative Elmore, Co-Chair, called the meeting to order at 1:07 p.m. and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

The following bills were considered:

**SB 391, Expand Youth Internship Opportunities** (Primary Sponsor: Senator Ballard, Gunn and Newton), (Attachment 5)

Rep. Elmore announced there was **PCS, S391-CSTC-35 [v.1]** (Attachment 6), asked if there were any objections, seeing none he put the PCS before the committee. Rep. Elmore recognized Senator Ballard to present and explain the bill. Senator Ballard explained the bill would create an exception to the prohibition on 16-18 years olds participating, in occupations found detrimental by the Commissioner of Labor, who are participating in a supervised, practice experience such trade programs as welding and electrician. Rep. Elmore asked if there were any questions. Rep. Brody, Farmer-Butterfield, and Turner had questions on the age and the list of trades. Rep. Ballard and staff answered all questions. Rep. Elmore recognized Rep. Hardister for a motion. Rep. Hardister moved for a favorable report to the Proposed Committee Substitute and an unfavorable report to the original bill with a re-referral to Commerce. Rep. Elmore put the motion before the committee and asked for vote, the ayes have it, the bill passed.

**SB 392, Superintendent May Approve Charter Facility Bonds** (Primary Sponsors: Senator Ballard, Brown and Newton), (Attachment 7)

Rep. Elmore announced there is a **PCS, S392-CSBE-26 [v.9]** (Attachment 8), asked if there were any objections, seeing none, he recognized Senator Ballard to explain the bill. Senator Ballard explained the first section, Part 1, this was a stand-alone bill is now part of section 1 of this bill, designates the Superintendent of Public Instruction as an applicable elected representative who



may approve bonds to finance or re-finance a charter school. Senator asked if Ms. Mary Nash Rusher, bond attorney at McGuire Woods, could speak to the matter. Rep. Elmore recognized Ms. Rusher to speak before the committee. Ms. Rusher explained who is authorized to do the financing for a charter school. She added, the bill would provide an additional choice of an elected official who could approve bond financing. Rep. Elmore asked if there were any other questions on Part 1 of the bill seeing none, he recognized staff to explain the remaining parts of the bill. Staff explained Part II, Clarify Charter school Renewal standards, Part III, Require background checks for Charter Boards of Directors and Part IV, Increase the cap on the enrollment growth of Virtual Charter schools participating in the Virtual Charter School Pilot Program, the PCS would increase the number of students from 2,592 to 3,000. Rep. Elmore asked if there were any questions. He recognized Rep. Brody, Gill, Horn and Brockman all had questions on effect on low performing charter schools, Charter Schools performance, background checks-traffic violation, size of charter schools (two schools currently in NC), early childhood pilot program and certifications. Staff and Mr. David Machado, Charter School Director at NC Department of Public Instruction answered questions. Rep. Elmore asked if there were any further questions on the PCS. Rep. Elmore announced that Rep. Meyer has an amendment, **S392-ABE-34 [v.1]**, (Attachment 9). Rep. Meyer was recognized to explain the amendment. Rep. Meyer explained the amendment would remove section IV of the bill that increases the cap on enrollment for the pilot schools. He further explained that the schools are performing low, therefore, why would there be any consideration to increase the enrollments unless the schools improve their performance. He does not recommend any further growth. Rep. Elmore asked if there were any questions or comments on the amendment. Rep. Elmore recognized Rep. Iler, Lewis, Ball, Farmer-Butterfield, Horn and Fisher for questions and comments. Mr. David Machado, Charter School Director from NC Department of Public Instruction and staff were able to answer questions relating to enrollment growth, performance, evaluation of the school and attendance. Rep. Elmore asked if there were any further questions on the amendment, seeing none, Rep. Elmore asked for a vote, the noes have it, Rep. Elmore announced that the amendment failed. Rep. Fisher stated she called for a division. Rep. Elmore stated that he did not hear the call for division, out of respect he requested for a show of hands. There were twelve members that were in favor and fourteen that were opposed. Rep. Elmore announced the amendment failed. Rep. Elmore recognized Rep. Lewis for a motion on the bill. Rep. Lewis motioned for a favorable report to the Proposed Committee Substitute and an unfavorable report to the original bill with a re-referral to House Rules. Rep. Elmore put the motion before the members for a vote, the ayes have it, the bill passed.

There being no further business before the Committee, Representative Elmore adjourned the meeting at 1:50 p.m.

Respectfully submitted:

  
Representative Jeffrey Elmore, Co-Chair





Linda M. Stevenson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. SB 391 and Summary
6. PCS, S391-CSTC-35 [v.1]
7. SB 392 and Summary
8. PCS, 392-CSBE-26 [v.9]
9. Amendment, S392-ABE-34 [v.1]





**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 18, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Elmore will preside

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 354</u>	Student Notice/Charter School Closure/Restr.	Senator Ballard Senator Edwards Senator Harrington
<u>SB 391</u>	Expand Youth Internship Opportunities.	Senator Ballard Senator Gunn Senator Newton
<u>SB 392</u>	Superint. May Approve Charter Facility Bonds.	Senator Ballard Senator Brown Senator Newton

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:59 AM on Wednesday, June 12, 2019.

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

Linda Stevenson (Committee Assistant)



**Updated #1: Remove SB 354**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 18, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
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The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 391</u>	Expand Youth Internship Opportunities.	Senator Ballard Senator Gunn Senator Newton
<u>SB 392</u>	Superint. May Approve Charter Facility Bonds.	Senator Ballard Senator Brown Senator Newton

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:27 AM on Monday, June 17, 2019.

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

Linda Stevenson (Committee Assistant)



**House Committee on Education - K-12  
Tuesday, June 18, 2019, 1:00 PM  
643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

Rep. Elmore, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 391	Expand Youth Internship Opportunities.	Senator Ballard Senator Gunn Senator Newton
SB 392	Superint. May Approve Charter Facility Bonds.	Senator Ballard Senator Brown Senator Newton

**Presentations**

**Other Business**

**Adjournment**



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	6/18/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	✓																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	-																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	✓																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	✓																		
Rep. Graig Meyer	✓																		





DATES	6/18/19																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Rena Turner	✓																
Rep. Donna McDowell White	-																
Ex-officio	-																
Rep. John Bell	-																
Rep. Brenden Jones	✓																
Rep. David Lewis	✓																
Rep. Sarah Stevens	-																



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

**SB 391 (CS#1)**

Expand Youth Internship Opportunities.

Draft Number: S391-PCS15364-TC-35

**Serial Referral: COMMERCE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: K. Hall

**TOTAL REPORTED: 1**



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



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

**SB 392 (CS#1)**

**Superint. May Approve Charter Facility Bonds.**

**Draft Number: S392-PCS45309-BE-26**

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

**Recommended Referral: None**

**Long Title Amended: Yes**

**Floor Manager: Elmore**

**TOTAL REPORTED: 1**



**\* C M R 5 8 4 - V - 1 \***



**House Pages  
Assignments  
Tuesday, June 18, 2019  
Session: 3:00 PM**

Committee	Room	Time	Staff	Comments	Member
Education - Universities	421	11:00 AM	Casey Holland		Rep. Larry C. Strickland
			Elizabeth Holland		Rep. Kyle Hall
			Robert Prather		Rep. Grier Martin
			Jack Tine		Speaker Tim Moore
* Education - K-12	643	1:00 PM	Hannalee Isaacs		Rep. Verla Insko
			Skylar Sexton		Rep. Pat B. Hurley
			Emma Tucker		Rep. Michael Speciale
			Gianna Wessler		Speaker Tim Moore
Wildlife Resources	1228/1327	2:00 PM	William Chadwick		Rep. Pat McElraft
			Arthur Khantivong		Rep. Elmer Floyd
			Sara Martin		Rep. Grier Martin
			Blake Mertz		Speaker Tim Moore

*Pages*





Committee Sergeants at Arms

House Committee on Education K-12

NAME OF COMMITTEE

DATE: 06/18/2019

Room: 643 LOB

House Sgt-At Arms:

1. Name: Terry McCraw
2. Name: Jim Moran
3. Name: Thomas Terry
4. Name: William Moore
5. Name:

Senate Sgt-At Arms:

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



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

06/18/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Evan Harrell

NCDOL

Jennifer Houswood

NCDOL

Jill Crame

NCDOL

April Neumann

MWC

Leah Sutton

BEST NC

Isaac Ridgeway

BEST NC

Karson Nelson

NCPPI

Wade Butner

NCDPI

Bruce Milder

NCSBA

Tom West

NCICU

Katherine Joyce

NCASA



## House Committee on Education K-12

Name of Committee

Date \_\_\_\_\_

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Rachel Beal

PRBlau

Richard Boston

NC 53A

Harry F. Ford

# hwc

Amanda Falkenberg

LDA

Jason Deans

2000-2001



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

06/18/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Solar	Sol. Gov. Solutions
Skype David	af
Jason Jaynes	af
Mike Hager	HSS
Amanda Donovan	KTS
MaryNash Rusw	Megaw Woods
Cal PER	Idaho
Katie Hall	KC DOA
Sallie James	Governor's office
DAVE MACHODS	NCDOT
Lee T Nguyen	TAG





## House Committee on Education K-12

06/18/2019

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS

# Englisch Einfluss





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 392

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

S392-ABE-34 [v.1]

Page 1 of 1

Amends Title [NO]  
S392-CSBE-26 [v.9]

Date June 18, 2019, 2019

Representative Meyer

- 1 moves to amend the PCS on page 3, line 41, through page 4, line 16, by deleting the lines.  
2  
3

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED



TABLED



\* S 3 9 2 - A B E - 3 4 - V - 1 \*





## SENATE BILL 391: Expand Youth Internship Opportunities.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Commerce. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 18, 2019
<b>Introduced by:</b>	Sens. Ballard, Gunn, Newton	<b>Prepared by:</b>	Kara McCraw*
<b>Analysis of:</b>	PCS to Second Edition S391-CSTC-35		Committee Counsel

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**OVERVIEW:** *Senate Bill 391 would provide a limited exception to the prohibition on youth participating in occupations found detrimental by the Commissioner of Labor when the youth is participating in a supervised, practice experience.*

*The PCS would clarify that the Commissioner of Labor would be responsible for finding that the conditions for the exception are met.*

**CURRENT LAW:** G.S. 95-25.5 governs the employment of people under the age of 18 (youths). G.S. 95.5(b) states that no youth can be employed in an occupation which the US Department of Labor has declared to be hazardous and without exemption under the Fair Labor Standards Act (FLSA). The FLSA allows for limited exceptions to the prohibition on youth labor in hazardous occupations, such as when the youth is part of an apprenticeship or student-learner program.

Additionally, under G.S. 95.5(b), no youth can be employed in an occupation which the North Carolina Commissioner of Labor has found and declared to be detrimental to the health and well-being of youths.

The Commissioner of Labor has declared the following occupations to be detrimental to youths:

- Welding, brazing, and torch cutting.
- Any process where quartz or any other form of silicon dioxide or asbestos silicate is present in powdered form.
- Any work involving exposure to lead or any of its compounds in any form.
- Any work involving exposure to benzene or any benzene compound that is volatile or can penetrate the skin.
- Occupations in canneries, seafood, and poultry processing that involve cutting or slicing machines, or freezing or packaging activities.
- Any work which involves the risk of falling a distance of 10 feet or more, including ladders and scaffolds.
- Any work as an electrician or an electrician's helper.
- Any work in confined spaces.
- Occupations requiring the use of respirators.

**BILL ANALYSIS:** Senate Bill 391 would create an exception to the prohibition on youth participating in occupations found detrimental by the Commissioner of Labor (occupations) for youth aged 16 to 18 who are participating in a supervised, practice experience. To be eligible for this exception, all of the following conditions would have to be found to be met by the Commissioner of Labor:

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate PCS 391

Page 2

(1) The youth is enrolled in a public or nonpublic school that is partnering with an employer to offer the supervised, practice experience for the occupation, and

(2) The employer has submitted the written agreement that governs the supervised, practice experience to the Commissioner of Labor and the written agreement contains at least the following:

- The work is incidental to the youth's supervised, practice experience for the occupation.
- The work is intermittent and for short periods of time.
- The work is performed under direct and close supervision of a qualified and experienced person.
- The employer must give safety instructions and training to the youth before performing the work.
- The employer has prepared a schedule of organized and progressive work processes to be performed by the youth.

The terms of the written agreement would be consistent with the guidance provided in Child Labor Bulletin 101, published by the US Department of Labor, Wage and Hour Division.

**EFFECTIVE DATE:** This act would be effective when it becomes law and would apply to participation of youth in practical experience programs on or after that date.

**BACKGROUND:** Guidance on the employment of youths through an apprenticeship or student-learner program can be found in Child Labor Bulletin 101, published by the US Department of Labor, Wage and Hour Division. That document can be found at the following link:

<https://www.dol.gov/whd/regs/compliance/childlabor101.pdf>

*\*This summary was substantially contributed to by Samantha Yarborough, Committee Counsel.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 391  
Education/Higher Education Committee Substitute Adopted 4/10/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S391-CSTC-35 [v.1]

06/14/2019 04:43:33 PM

Short Title: Expand Youth Internship Opportunities.

(Public)

Sponsors:

Referred to:

March 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE A LIMITED EXCEPTION TO THE PROHIBITION ON YOUTH  
3 PARTICIPATING IN SUPERVISED, PRACTICE EXPERIENCES WITH EMPLOYERS  
4 IN OCCUPATIONS FOUND DETRIMENTAL BY THE COMMISSIONER OF LABOR  
5 UNDER CERTAIN CIRCUMSTANCES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 95-25.5 is amended by adding a new subsection to read:

8 "(k1) Youth, who are at least 16 years of age but less than 18 years of age, who participate  
9 in a supervised, practice experience in an occupation with an employer are exempt from the  
10 prohibition from occupations found and declared to be detrimental to the health and well-being  
11 of youth by the Commissioner of Labor pursuant to subsection (b) of this section, if the  
12 Commissioner of Labor finds all of the following conditions are met:

13 (1) The youth is enrolled in a public school or a nonpublic school that meets the  
14 requirements of Part 1 or Part 2 of Article 39 of Chapter 115C of the General  
15 Statutes that is partnering with the employer to offer the supervised, practice  
16 experience for the occupation.

17 (2) The employer submits to the Commissioner of Labor the written agreement  
18 between the employer and the public or nonpublic school where the youth is  
19 enrolled that governs the operation of the supervised, practice experience for  
20 the occupation. The written agreement shall include at least the following:

- 21 a. The work is incidental to the youth's supervised, practice experience  
22 for the occupation.  
23 b. The work is intermittent and for short periods of time.  
24 c. The work is performed under direct and close supervision of a  
25 qualified and experienced person.  
26 d. The employer shall give safety instructions and training to the youth  
27 before performing the work.  
28 e. The employer has prepared a schedule of organized and progressive  
29 work processes to be performed by the youth.

30 The terms of the written agreement required by subdivision (2) of this subsection shall be  
31 consistent with the guidance provided in Child Labor Bulletin 101, *Child Labor Provisions for*  
32 *Nonagricultural Occupations under the Fair Labor Standards Act*, published by the United  
33 States Department of Labor, Wage and Hour Division, effective November 2016, and any  
34 subsequent revisions published for that document."



1           **SECTION 2.** This act is effective when it becomes law and applies to participation  
2 of youth in practical experience programs on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 391  
Education/Higher Education Committee Substitute Adopted 4/10/19

Short Title: Expand Youth Internship Opportunities.

(Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A LIMITED EXCEPTION TO THE PROHIBITION ON YOUTH PARTICIPATING IN SUPERVISED, PRACTICE EXPERIENCES WITH EMPLOYERS IN OCCUPATIONS FOUND DETRIMENTAL BY THE COMMISSIONER OF LABOR UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 95-25.5 is amended by adding a new subsection to read:

"(k1) Youth, who are at least 16 years of age but less than 18 years of age, who participate in a supervised, practice experience in an occupation with an employer are exempt from the prohibition from occupations found and declared to be detrimental to the health and well-being of youth by the Commissioner of Labor pursuant to subsection (b) of this section, if all of the following conditions are met:

- (1) The youth is enrolled in a public school or a nonpublic school that meets the requirements of Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes that is partnering with the employer to offer the supervised, practice experience for the occupation.
- (2) The employer submits to the Commissioner of Labor the written agreement between the employer and the public or nonpublic school where the youth is enrolled that governs the operation of the supervised, practice experience for the occupation. The written agreement shall include at least the following:
  - a. The work is incidental to the youth's supervised, practice experience for the occupation.
  - b. The work is intermittent and for short periods of time.
  - c. The work is performed under direct and close supervision of a qualified and experienced person.
  - d. The employer shall give safety instructions and training to the youth before performing the work.
  - e. The employer has prepared a schedule of organized and progressive work processes to be performed by the youth.

The terms of the written agreement required by subdivision (2) of this subsection shall be consistent with the guidance provided in Child Labor Bulletin 101, *Child Labor Provisions for Nonagricultural Occupations under the Fair Labor Standards Act*, published by the United States Department of Labor, Wage and Hour Division, effective November 2016, and any subsequent revisions published for that document."

**SECTION 2.** This act is effective when it becomes law and applies to participation of youth in practical experience programs on or after that date.







## SENATE BILL 392: Various Charter School Changes.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 18, 2019
<b>Introduced by:</b>	Sens. Ballard, Brown, Newton	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	PCS to Second Edition S392-CSBE-26		Committee Co-Counsel

**OVERVIEW:** *The 2nd edition of SB 392 would authorize the Superintendent of Public Instruction to approve issuance of private activity bonds for charter school facilities after a public hearing. In addition, the PCS would do the following:*

- Clarify charter school renewal standards.
- Require background checks for charter school boards of directors.
- Increase the cap on enrollment growth of virtual charter schools participating in the virtual charter school pilot program.

### PART I. DESIGNATE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AS AN APPLICABLE ELECTED REPRESENTATIVE WHO MAY APPROVE BONDS TO FINANCE OR REFINANCE A CHARTER SCHOOL FACILITY

**CURRENT LAW:** Under the Internal Revenue Code, a qualified private activity bond is a type of tax-exempt bond that state and local governments may issue to finance certain projects that would otherwise be classified as private activities. These include nonprofit corporations carrying out charitable purposes, including education. 26 U.S.C. 145. The governmental body has authority to serve as a “conduit” issuer, but has no liability for the repayment of the debt, and only acts as an issuer so that the private activity bonds can be tax exempt. Article 2 of Chapter 159D of the General Statutes establishes the North Carolina Capital Facilities Finance Agency as an issuer in North Carolina for these types of conduit bonds. There are also governmental entities such as the Public Finance Authority in Wisconsin that issue conduit bonds for public and private entities throughout all 50 states.

The Internal Revenue Code, 26 U.S.C. 147(f), requires that qualified private activity bonds receive public approval by both the governmental entity issuing the bonds (issuer approval) and a governmental entity having jurisdiction over the area in which the bond-financed facility is to be located (host approval). Public approval may be satisfied by approval of an applicable elected representative of the approving government unit following a public hearing for which there was reasonable public notice, or by a voter referendum. 26 U.S.C. 147(f). An “applicable elected official” includes an official elected by the voters of the governmental unit and authorized by State law to provide such approval. 26 U.S.C. 147(f)(2)(E)(i)(II).

**BILL ANALYSIS:** Part I of the PCS would designate the Superintendent of Public Instruction as an applicable elected representative under the Internal Revenue Code who may approve issuance of a private

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.*

# Senate PCS 392

Page 2

activity bond to finance a charter school facility, following a public hearing conducted in accordance with the Internal Revenue Code and applicable State and federal laws and regulations.

## **PART II. CLARIFY CHARTER SCHOOL RENEWAL STANDARDS**

**CURRENT LAW:** The State Board of Education (SBE) must renew a charter for a charter school upon the request of the chartering entity for subsequent periods of 10 years. However, the SBE can renew the charter for less than 10 years or not renew the charter at all if one of the following applies:

- The charter school has not provided financially sound audits for the immediately preceding three years.
- The charter school's student academic outcomes for the immediately preceding three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.
- The charter school is not, at the time of the request for renewal of the charter, substantially in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

**BILL ANALYSIS:** Part II of the PCS would revise the student outcome standard so that the SBE could renew the charter for less than 10 years or not renew the charter if the percent of students who scored at or above proficient for all end-of-grade and end-of-course tests taken in the previous school year is at least 5 percentage points lower in the charter school than in the local school administrative unit in which the charter school is located.

## **PART III: REQUIRE BACKGROUND CHECKS FOR CHARTER BOARDS OF DIRECTORS**

**BILL ANALYSIS:** Part III of the PCS would add a requirement to the application for a charter to operate a charter school in this State. The application would be required to include the following:

- A nationwide criminal background check for each member of the board of directors of the proposed charter school to ensure that the member has not been convicted of any crime listed in G.S. 115C-332 or a substantially similar crime in another state. The criminal background check must include the following: (i) a social security number trace, including locations returned on at least a county-by-county basis and (ii) any known aliases.
- A certification from each member of the board of directors certifying whether the board member has been convicted of any felony or misdemeanor. If the board member has been convicted of a felony or misdemeanor, the certification shall include a listing of the year of the charge, the charge, and the disposition of the charge.

## **PART IV. INCREASE THE CAP ON ENROLLMENT GROWTH OF VIRTUAL CHARTER SCHOOLS PARTICIPATING IN THE VIRTUAL CHARTER SCHOOL PILOT PROGRAM**

**CURRENT LAW:** Section 8.35 of S.L. 2014-100 directed the SBE to establish a four-year pilot program to authorize the operation of two virtual charter schools serving students in kindergarten through 12th grade. Maximum student enrollment in any virtual charter school must be no greater than 1,500 students in the school's first year of operation and can increase by 20% for each participating school up to a

## Senate PCS 392

Page 3

maximum student enrollment of 2,592 in the fourth year of the pilot program. The SBE can waive the maximum student enrollment threshold beginning in the fourth year of the school's operation, if it determines it is in the best interests of students.

Section 7.13 of S.L. 2018-5 extended the pilot program from four years to eight years.

**BILL ANALYSIS:** Part IV of the PCS would increase the maximum student enrollment in a virtual charter school to 3,000 students, and would allow the SBE to waive the 3,000-student cap beginning in the eighth year of the school's operation.

**EFFECTIVE DATE:** The PCS to SB 392 would become effective when it becomes law. The modified charter renewal standards would apply to applications for the renewal of charters submitted on or after the effective date. The background checks for boards of directors would be required beginning with applications for initial charters received on or after the effective date. The increased cap on virtual charter school enrollment would apply beginning with the 2019-2020 school year.

*\*Kara McCraw and Drupti Chauhan, staff attorneys with the Legislative Analysis Division, substantially contributed to this summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 392  
Education/Higher Education Committee Substitute Adopted 4/10/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S392-CSBE-26 [v.9]  
06/17/2019 02:51:15 PM

Short Title: Various Charter School Changes. (Public)

Sponsors:

Referred to:

March 28, 2019

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. DESIGNATE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AS AN  
APPLICABLE ELECTED REPRESENTATIVE WHO MAY APPROVE BONDS TO  
FINANCE OR REFINANCE A CHARTER SCHOOL FACILITY**

**SECTION 1.** Article 14A of Chapter 115C of the General Statutes is amended by  
adding a new section to read:

**"§ 115C-218.37. Public approval for private activity bonds.**

(a) For purposes of this section, the following definitions shall apply:

- (1) Charter school facility. – Real property, personal property, or both that is used or intended for use in connection with the operation of a charter school.
- (2) Applicable elected representative. – An elected official of a governmental unit having jurisdiction over the area in which a charter school facility is located, as defined in Section 147(f)(2) of the Internal Revenue Code (26 U.S.C. § 147(f)(2)).

(b) The Superintendent of Public Instruction is hereby designated as an applicable elected representative who may approve the issuance of one or more private activity bonds to finance or refinance a charter school facility, after a public hearing following reasonable public notice, in accordance with Section 147(f) of the Internal Revenue Code (26 U.S.C. § 147(f)) and applicable State and federal laws and regulations. Procedures for the public hearing shall be determined by the Superintendent of Public Instruction, and the public hearing shall be conducted by the Superintendent or his or her designee."

**PART II. CLARIFY CHARTER SCHOOL RENEWAL STANDARDS**

**SECTION 2.1.** G.S. 115C-218.6 reads as rewritten:

**"§ 115C-218.6. Review and renewal of charters.**

(a) The State Board of Education shall review the operations of each charter school at least once prior to the expiration of its charter to ensure that the school is meeting the expected academic, financial, and governance standards.

(b) The State Board of Education shall renew a charter upon the request of the chartering entity for subsequent periods of 10 years, unless one of the following applies:



- (1) The charter school has not provided financially sound audits for the immediately preceding three years.
- (2) ~~The charter school's student academic outcomes for the immediately preceding three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.~~ The percent of students who scored at or above proficient for all end-of-grade and end-of-course tests taken in the previous school year, as required by G.S. 115C-174.11(c)(1), is at least five percentage points lower in the charter school than in the local school administrative unit where the charter school is located.
- (3) The charter school is not, at the time of the request for renewal of the charter, substantially in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

If one of the conditions set forth in subdivisions (1) through (3) of this subsection applies, then the State Board may renew the charter for a period of less than 10 years or not renew the charter."

**SECTION 2.2.** This Part applies to applications for the renewal of the charter of a charter school submitted on or after the effective date of this act.

### **PART III. REQUIRE BACKGROUND CHECKS FOR CHARTER BOARDS OF DIRECTORS**

**SECTION 3.1.** 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 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 nonprofit, tax-exempt corporation and the process to be followed by the school to ensure parental involvement. A teacher employed by the board of directors to teach in the charter school may serve as a nonvoting member of the board of directors for the charter school.
- (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 expelled from a charter school due to actions that would lead to suspension or expulsion 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.
- (13) The number of students to be served, which number shall be at least 80, and the minimum number of teachers to be employed at the school, which number shall be at least three. However, the charter school may serve fewer than 80 students or employ fewer than three teachers if the application contains a compelling reason, such as the school would serve a geographically remote and small student population.
- (14) Information regarding the facilities to be used by the school and the manner in which administrative services of the school are to be provided.
- (15) The process for conducting a weighted lottery that reflects the mission of the school if the school desires to use a weighted lottery.
- (16) A nationwide criminal background check for each member of the board of directors of the proposed charter school to ensure that the member has not been convicted, at a minimum, of any crime listed in G.S. 115C-332 or a substantially similar crime in another state. The criminal background check shall include all of the following components:
- a. A Social Security number trace, including locations returned on at least a county-by-county basis.
- b. Any known aliases.
- (17) A certification from each member of the board of directors certifying whether the board member has been convicted of any felony or misdemeanor. If the board member has been convicted of a felony or misdemeanor, the certification shall include a listing of the year of the charge, the charge, and the disposition of the charge.
- (c) The State Board shall establish reasonable fees of no less than five hundred dollars (\$500.00) and no more than one thousand dollars (\$1,000) for initial and renewal charter applications, in accordance with Article 2A of Chapter 150B of the General Statutes. No application fee shall be refunded in the event the application is rejected or the charter is revoked."

**SECTION 3.2.** This Part applies to applications for initial charters received on or after the effective date of this act.

#### **PART IV. INCREASE THE CAP ON ENROLLMENT GROWTH OF VIRTUAL CHARTER SCHOOLS PARTICIPATING IN THE VIRTUAL CHARTER SCHOOL PILOT PROGRAM**

**SECTION 4.1.** Section 8.35(b) of S.L. 2014-100, as amended by Section 7.13 of S.L. 2018-5, reads as rewritten:

"**SECTION 8.35.(b)** The virtual charter schools participating in the pilot program authorized by this section shall be subject to the statutes and rules applicable to charter schools pursuant to Article 14A of Chapter 115C of the General Statutes, except as follows:

- (1) The maximum student enrollment in any participating school shall be no greater than 1,500 in its first year of operation and may increase annually by twenty percent (20%) for each participating school up to a maximum student

1 enrollment of ~~2,592,000~~ 3,000 in the ~~fourth-eighth~~ year of the pilot. The State  
2 Board of Education may waive this 3,000-student maximum ~~student~~  
3 ~~enrollment threshold, enrollment~~ beginning in the ~~fourth-eighth~~ year of the  
4 school's operation, if the State Board determines that doing so would be in the  
5 best interest of North Carolina students.

6 (2) The maximum overall ratio of teachers to students for kindergarten through  
7 eighth grade shall be 1:50, and for ninth through twelfth grade shall be 1:150.

8 (3) A student who regularly fails to participate in courses may be withdrawn from  
9 enrollment pursuant to procedures adopted by the virtual charter school. The  
10 procedures adopted by the virtual charter school shall ensure that (i) fair notice  
11 is provided to the parent and student and (ii) an opportunity is provided, prior  
12 to withdrawal of the student by the school, for the student and parent to  
13 demonstrate that failure to participate in courses is due to a lawful absence  
14 recognized under Part I of Article 26 of Chapter 115C of the General Statutes  
15 and any applicable rules adopted by the State Board of Education."

16 **SECTION 4.2.** This Part applies beginning with the 2019-2020 school year.

17  
18 **PART V. EFFECTIVE DATE**

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

2

SENATE BILL 392  
Education/Higher Education Committee Substitute Adopted 4/10/19

Short Title: Superint. May Approve Charter Facility Bonds.

(Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AS AN  
APPLICABLE ELECTED REPRESENTATIVE WHO MAY PROVIDE PUBLIC  
APPROVAL OF ONE OR MORE PRIVATE ACTIVITY BONDS TO FINANCE OR  
REFINANCE A CHARTER SCHOOL FACILITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14A of Chapter 115C of the General Statutes is amended by  
adding a new section to read:

**"§ 115C-218.37. Public approval for private activity bonds.**

(a) For purposes of this section, the following definitions shall apply:

- (1) Charter school facility. – Real property, personal property, or both that is used or intended for use in connection with the operation of a charter school.
- (2) Applicable elected representative. – An elected official of a governmental unit having jurisdiction over the area in which a charter school facility is located, as defined in Section 147(f)(2) of the Internal Revenue Code (26 U.S.C. § 147(f)(2)).

(b) The Superintendent of Public Instruction is hereby designated as an applicable elected representative who may approve the issuance of one or more private activity bonds to finance or refinance a charter school facility, after a public hearing following reasonable public notice, in accordance with Section 147(f) of the Internal Revenue Code (26 U.S.C. § 147(f)) and applicable State and federal laws and regulations. Procedures for the public hearing shall be determined by the Superintendent of Public Instruction, and the public hearing shall be conducted by the Superintendent or his or her designee."

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







**House Committee on Education K-12  
Wednesday, June 25, 2019 at 1:00 PM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 1:00 p.m. on June 25, 2019 in Room 643 of the Legislative Office Building. Representative Elmore – Co-Chair; Representatives Blackwell and Brockman-Vice-Chairs; and Representatives Ball, Beasley, Brewer, Farmer-Butterfield, Fisher, Fraley, Gill, Henson, Meyer, Potts, Riddell, Smith, Strickland, Turner and White were in attendance. Also in attendance were Senator Ballard, Davis and Rep. Jarvis.

Representative Elmore, Co-Chair, called the meeting to order at 1:10 p.m. and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

The following bills were considered:

**SB 230, Excused Absences for Military Children** (Primary Sponsors: Senator Davis, Brown and Ballard), (Attachment 5)

Rep. Elmore recognized Senator Davis to present and explain the bill. Senator Davis explained the bill would provide a minimum of two days absence from school for students that have military parent/s to spend time with their parent/s who travel to or from combat zones. Rep. Elmore asked if there were any questions or comments, seeing none Rep. Elmore recognized Rep. Farmer-Butterfield for a motion. Rep. Farmer-Butterfield motioned for a favorable report and a re-referral to House Rules. Rep. Elmore brought the motion before the committee and asked for a vote, the ayes have it, the bill passed.

**SB 343, Changes to Education Reports** (Primary Sponsor: Senator Ballard), (Attachment 6)

Rep. Elmore announced there is a PCS, S343-CSBN-30 [v.3], (Attachment 7), asked if there were any objections, seeing none, the PCS is before the committee. Rep. Elmore recognized Senator Ballard to explain the PCS. Senator Ballard explained there were various education law changes. Part I, Repeal certain education reports, Part II, Report date changes, Part III, Various Education Report changes and combining reports, Part IV, Report on School Start and End Dates, Part V, Clarify Education workforce innovation commission membership, Part VI, Stagger professional educator preparation and standards commission appointments, Part VII, Exempt state board charter actions from contested case provision. Rep. Elmore asked if there were any questions. Rep. Elmore recognized Rep. Fisher, Blackwell, Ball and Meyer for questions or comments. Staff and Senator Ballard answered all questions and concerns. Rep. Elmore recognized Rep. Blackwell. Rep.



Blackwell motioned for a favorable report to the Proposed Committee Substitute and an unfavorable report to the original bill with a re-referral to House Rules. Rep. Elmore put the motion before the committee for a vote, the ayes have it, the bill passed.

**SB 354, Student Notice/Charter School Closure/Restr.)** (Primary Sponsors: Senator Ballard, Edwards and Harrington), (Attachment 8)

Rep. Elmore announced there is a **PCS, S354-CSRQ-16 [v.6]**, (Attachment 9), he asked if there were any objections, seeing none the PCS is before the committee. Rep. Elmore stated the PCS is titled Sam's Law, he recognized Rep. Jarvis to present Sam's Law. Rep. Jarvis explained Samantha passed away less than a year ago from a seizure. The law will give teachers and schools directions to create policies to create (video/on-line) training for employees and make action plans for those that do have seizures. Students may not have epilepsy but could have seizures. There are currently 15,200 students in our schools that are known to have epilepsy. Rep. Elmore announced that the bill has an amendment, **S354-ARQ-20 [v.1]**, (Attachment 10) offered by Rep. Hardister but will actually be offered by Rep. Potts. Rep. Potts explained the amendment makes home school an exception to the bill. Rep. Elmore asked if there were any further questions to the amendment, seeing none, he asked for a vote on the amendment. The ayes have it, the amendment is adopted. Rep. Elmore asked if there are any questions on the bill. Rep. White, Meyer, Fraley, Gill and Ball all had questions or concerns with the bill. Staff, Rep. Jarvis and Rep. Elmore answered questions and addressed all concerns. Rep. Elmore recognized Rep. Turner for a motion. Rep. Turner motioned for a favorable report to the Proposed Committee Substitute as amended, rolled into a new Proposed Committee Substitute, with a favorable report to the new Committee Substitute and an unfavorable report to the original bill with a re-referral to House Rules. Rep. Elmore put the motion before the members and asked for a vote, the ayes have it, the bill passed.

**SB 621, Testing Reduction Act of 2019**, (Primary Sponsors: Senator Tillman, Ballard and Sawyer), (Attachment 11)

Rep. Elmore recognized Rep. Blackwell to Chair the Committee while Rep. Elmore presented SB 621. Rep. Blackwell announced there is a **PCS, S621-CSTC-35[v.4]** (Attachment 12) if there are any objections, seeing none, he put the PCS before the committee. Rep. Blackwell recognized Rep. Elmore to explain the bill. Rep. Elmore explained the Senate and House sent over a test reduction bill. The effort is to combine the two bills. Part I, of the bill would eliminate the final exams at the high school level. Part II, Replace EOGs with the three grade assessment model, Part III, Replace EOCs at the high school level, use ACT, do not eliminate work keys test, Part IV, Reduce standardize testing by local school administrative units, Part V, Eliminate graduation projects as a condition of graduation and the last section, Part IV, Examination of third grade English language arts assessments to better meet goals of read to achieve. Rep. Blackwell asked if there were any questions. Rep. Blackwell recognized Rep. Meyer for questions. Rep. Elmore answered all Rep. Meyer's questions and concerns. Rep. Blackwell recognized Rep. Potts for a motion. Rep. Potts motioned for a favorable report to the Proposed Committee Substitute and an unfavorable report to the original bill with a re-referral to House Rules. Rep. Blackwell put the motion before the members for a vote, the ayes have it, the bill passed.





There being no further business before the Committee, Representative Elmore adjourned the meeting at 1:50 p.m.

Respectfully submitted:



Representative Jeffrey Elmore, Co-Chair



Linda M. Stevenson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. SB 230 and Summary
6. SB 343 and Summary
7. PCS, S343-CSBN-30 [v.3]
8. SB 354 and Summary
9. PCS, S354 CSRQ-16 [v.6]
10. Amendment, S354-ARQ-20 [v.1]
11. SB 621 and Summary
12. PCS, S621-CSTC-35 [v.4]



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 25, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Rep. Johnson will preside

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 230</u>	Excused Absences for Military Children.	Senator D. Davis Senator Brown Senator Ballard
<u>SB 343</u>	Changes to Education Reports.	Senator Ballard
<u>SB 354</u>	Student Notice/Charter School Closure/Restr.	Senator Ballard Senator Edwards Senator Harrington
<u>SB 522</u>	Various Changes to Charter School Laws.	Senator Tillman
<u>SB 621</u>	Testing Reduction Act of 2019.	Senator Tillman Senator Ballard Senator Sawyer

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:44 PM on Friday, June 21, 2019.

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

Linda Stevenson (Committee Assistant)



Updated #1: REMOVE SB 522

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 25, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Rep. Johnson will preside

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 230</u>	Excused Absences for Military Children.	Senator D. Davis Senator Brown Senator Ballard
<u>SB 343</u>	Changes to Education Reports.	Senator Ballard
<u>SB 354</u>	Student Notice/Charter School Closure/Restr.	Senator Ballard Senator Edwards Senator Harrington
<u>SB 621</u>	Testing Reduction Act of 2019.	Senator Tillman Senator Ballard Senator Sawyer

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:21 PM on Monday, June 24, 2019.

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

Linda Stevenson (Committee Assistant)



**House Committee on Education - K-12**  
**Tuesday, June 25, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**  
Rep. Jeffrey Elmore, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 230	Excused Absences for Military Children.	Senator D. Davis Senator Brown Senator Ballard
SB 343	Changes to Education Reports.	Senator Ballard
SB 354	Student Notice/Charter School Closure/Restr.	Senator Ballard Senator Edwards Senator Harrington
SB 621	Testing Reduction Act of 2019.	Senator Tillman Senator Ballard Senator Sawyer

**Presentations**

**Other Business**

**Adjournment**





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

<b>SB 343 (CS#1)</b>	Changes to Education Reports.
	Draft Number: S343-PCS15373-BN-30
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: Yes
	Floor Manager: Hurley
<b>SB 621 (CS#1)</b>	Testing Reduction Act of 2019.
	Draft Number: S621-PCS35302-TC-38
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Elmore

**TOTAL REPORTED: 2**



\* C M R 6 3 0 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**SB 230 (CS#1)**      Excused Absences for Military Children.  
Draft Number:      None  
**Serial Referral:**      **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**  
Recommended Referral:      None  
Long Title Amended:      No  
Floor Manager:      R. Smith

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

**SB 354 (CS#1)**      Student Notice/Charter School Closure/Restr.  
Draft Number:      S354-PCS15372-RQ-16  
**Serial Referral:**      **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**  
Recommended Referral:      None  
Long Title Amended:      Yes  
Floor Manager:      Jarvis

**TOTAL REPORTED: 2**



\* C M R 6 2 7 - V - 1 \*



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	6/25/19																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	-																		
Rep. Linda Johnson, Chair	-																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody	-																		
Rep. Ashton Clemmons	-																		
Rep. Kevin Corbin	-																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	-																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	-																		
Rep. Jon Hardister	-																		
Rep. Cody Henson	✓																		
Rep. Frank Iler	-																		
Rep. Donny Lambeth	-																		
Rep. Marvin Lucas	-																		
Rep. Graig Meyer	✓																		



DATES	6/25/19																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Rena Turner	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell	-																
Rep. Brenden Jones	-																
Rep. David Lewis	-																
Rep. Sarah Stevens	-																





Committee Sergeants at Arms

NAME OF COMMITTEE House Com K-12

DATE: 06/25/19 Room: 643 LOB

House Sgt-At Arms:

1. Name: Jim Moran
2. Name: Bill Moore
3. Name: Thomas Terry
4. Name: Warren Hawkins
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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



**House Pages  
Assignments  
Tuesday, June 25, 2019  
Session: 4:00 PM**

Committee	Room	Time	Staff	Comments	Member
Education - K-12	643	1:00 PM	Caroline Bull		Rep. Darren G. Jackson
			Alice Connor		Rep. John Autry
			John D'Ambrosio		Rep. Gale Adcock
Public Utilities	643	3:00 PM	Kristen Sauls		Rep. John R. Bell, IV
			Emily Siniavsky		Rep. John R. Bell, IV



# VISITOR REGISTRATION SHEET

House Com K-12

06/25/19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rachel Beal	PB Law
Ashley Parkinson	Parkinson Law
Edith DeJesus	
Rubem Salgado Aquino	
Ashley Watt	
Candace Midgett	
Doug Miskew	PSC
Jon ARS	PSC
Chris Gossage	NCPI
Walt Butler	NCPI
Kason Nelson	NC DPI



## VISITOR REGISTRATION SHEET

House Com K-12

06/25/19

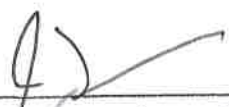
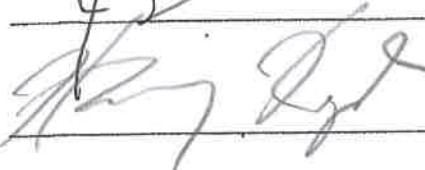
Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

	mw ✓
	mw ✓
April Newman	MWG
Richard Bostic	NC SBA
Kathleen Joyce	NCASA
Andrew Meenan	NC Chamber
Benjamin J. Helleny	Helleny Group Inc.
Adam Prodenore	NCACC
Bruce Mildworth	NC SBA
Tom West	NCILH
Elizabeth Yelverton	NCASA
Mary Shuping	NCCCS





# VISITOR REGISTRATION SHEET

House Com K-12

06/25/19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

JASON JOYNER	NEW FRAME
SKYE DAVID	NEW FRAME
Deni Buro	MWC
Bhaegan Jackson	Focus Public affairs
Susan Harris	NC DTSEA
DEL MANNED	RESTAURANTS
Amanda Donovan	KTS
Zane Stilwell	TSG
Sam Wale	UG
Blake Brewer	LG
PATRICK MORRISON	LG



# VISITOR REGISTRATION SHEET

House Com K-12

06/25/19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Alex Turner	Lt. Gov. Office
Rachel Bass	Lt. Gov Office
Clark Drummond	Lt. Gov Office
John Garrett	Lt. Gov. office
Mackenzie Webb	UNC
Amy Fulk	SDPR
Tommy Sevier	MWC
Kara Weishaar	SD
Jonathan Babaker	Babaker & Assoc
Resha Fortson	SEANL
Leanne Wynn	NC SPD



## VISITOR REGISTRATION SHEET

House Com K-12

06/25/19

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Sherry Thomas

NC DDT

M.H. 11

Smith (

Isaac Ridgway

BEST NC

Leah Sutton

Be 87 NC



## VISITOR REGISTRATION SHEET

House Com K-12

06/25/19

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

[illegible]





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

2

SENATE BILL 230  
Education/Higher Education Committee Substitute Adopted 3/20/19--

Short Title: Excused Absences for Military Children.

(Public)

Sponsors:

Referred to:

March 13, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES  
3 PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR CHILDREN OF  
4 MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-379 reads as rewritten:

7 "**§ 115C-379. Method of enforcement.**

8 (a) It shall be the duty of the State Board of Education to formulate the rules that may be  
9 necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i)  
10 what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for  
11 temporary nonattendance due to a student's physical or mental inability to attend or a student's  
12 participation in a valid educational opportunity such as service as a legislative page or a  
13 Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may  
14 excuse pupils for nonattendance due to immediate demands of the farm or the home in certain  
15 seasons of the year in the several sections of the State.

16 (b) ~~The~~ In addition to any excused absences authorized pursuant to subsection (a) of this  
17 section, the rules shall require school principals to authorize the following excused absences:

18 (1) ~~a-Religious observance.~~ — A minimum of two excused absences each  
19 academic year for religious observances required by the faith of a student or  
20 the student's ~~parents~~ parent or legal guardian.

21 (2) Military leave. — A minimum of two excused absences each academic year if  
22 all of the following conditions are met:

23 a. The student's parent or legal guardian is an active duty member of the  
24 uniformed services, as defined by Article 29B of this Chapter, the  
25 Interstate Compact on Educational Opportunity for Military Children.

26 b. The student's parent or legal guardian has been called to duty for, is on  
27 leave from, or immediately returned from deployment to a combat  
28 zone or combat support posting.

29 c. The student is not identified by the local school administrative unit as  
30 at risk of academic failure because of unexcused absences.

31 The rules may require that the student's ~~parents give~~ parent or legal guardian gives the  
32 principal written notice of the request for an excused absence a reasonable time prior to the  
33 religious ~~observance.~~ observance or military leave. The student shall be given the opportunity to  
34 make up any tests or other work missed due to an excused absence for a religious  
35 ~~observance.~~ observance or military leave.



1       (c) It shall be the duty of all school officials to carry out such instructions from the State  
2 Board of Education, and any school official failing to carry out such instructions shall be guilty  
3 of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall  
4 not be in force in any local school administrative unit that has a higher compulsory attendance  
5 feature than that provided herein."

6       **SECTION 2.** This act is effective when it becomes law and applies beginning with  
7 the 2019-2020 school year.



## SENATE BILL 230: Excused Absences for Military Children.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 25, 2019
<b>Introduced by:</b>	Sens. D. Davis, Brown, Ballard	<b>Prepared by:</b>	Brian Gwyn* Staff Attorney
<b>Analysis of:</b>	Second Edition		

**OVERVIEW:** SB 230 would provide for a minimum of 2 days per academic year for excused absences related to a parent or legal guardian's service in a combat zone.

**CURRENT LAW:** G.S. 115C-378 requires every parent, guardian, or custodian having charge or control of a child between the ages of seven and 16 to ensure that the child attends school.

G.S. 115C-379 authorizes the State Board of Education to determine what is considered an unlawful absence, and what causes might constitute legitimate excuses for temporary nonattendance, such as a student's physical or mental inability to attend or participation in a valid educational opportunity.

Additionally, a minimum of two excused absences each academic year must be allowed for religious observances required by the faith of a student or the student's parents. Students can be required to give advance notice of absences for religious observances, but the students must be given the opportunity to make up any tests or other work missed.

Article 29B of Chapter 115C, the Interstate Compact on Educational Opportunity for Military Children, includes a provision that provides, at the discretion of the local superintendent, a student whose parent or legal guardian is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, may be granted additional excused absences to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

**BILL ANALYSIS:** SB 230 would add a new category of required excused absences. Students would be allowed a minimum of 2 days per academic year for military leave when the following requirements are met:

1. The student's parent or legal guardian is an active duty member of the uniformed services.
2. The parent or legal guardian has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting.
3. The student is not identified by the local school administrative unit as at risk of academic failure because of unexcused absences.

The student's parent or legal guardian would be required to give written notice of the request for leave a reasonable time prior to the absence, and the student must be given the opportunity to make up tests or missed work due to the absence.

**EFFECTIVE DATE:** SB 230 would become effective when it becomes law, and would apply beginning with the 2019-2020 school year.

*\*Kara McCraw, Staff Attorney, substantially contributed to this summary.*

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.





## SENATE BILL 343: Various Education Law Changes.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 25, 2019
<b>Introduced by:</b>	Sen. Ballard	<b>Prepared by:</b>	Samantha Yarborough*
<b>Analysis of:</b>	PCS to Second Edition S343-CSBN-30		Staff Attorney

**OVERVIEW:** *Senate Bill 343 would make changes to various education reports including date changes, repeals of certain reports, and modifications of information to be reported.*

The PCS to SB 343 would also (i) clarify the Education Workforce Innovation Commission's membership, (ii) stagger the appointments to the Professional Educator Preparation and Standards Commission, and (iii) exempt the State Board's charter actions from contested case provisions.

### CURRENT LAW and BILL ANALYSIS:

#### PART I. REPEAL CERTAIN EDUCATION REPORTS

**Section 1.1** repeals an annual report required from the Education Cabinet on STEM education activities.

**Section 1.2** repeals an annual report from The Education Cabinet on the School Connectivity Initiative. The State Board of Education (SBE) would still submit its annual report on school connectivity.

**Section 1.3** repeals an annual report required from the Education Cabinet on the First in America Innovative Education Initiatives Act from 2004.

**Section 1.4** repeals a report from the State Board of Community Colleges (SBCC) on start-up funds for high cost workforce courses because the funds were re-allocated per the SBCC and the Community College System Office's request in 2018.

**Section 1.5** repeals an annual report from the SBCC on all new programs it approves, the progress made on implementing regional programs, and program terminations. The SBCC is directed to consider whether a regional approach can be used in developing new programs and initiate regional programs to the extent possible. The SBCC would now collect data annually on new programs, program terminations, and any regionalization of programs, including the specific reasons for which each program was approved or terminated.

#### PART II. REPORT DATE CHANGES

**Section 2.1** changes the date for the submission of the annual report from the SBE on testing from November 1 to December 15.

**Section 2.2** changes the date for the submission of the annual report from the SBE on charter schools from January 15 to February 15.

**Section 2.3** directs the Community College System Office rather than the SBCC to report on the Customized Training Program by September 1 of each year.

Karen Cochran-Brown  
Director



Legislative Analysis  
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919-733-2578

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

# Senate PCS 343

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**Section 2.4** directs the Community College System Office rather than the SBCC to report to the State Building Commission on certain capital projects by October 1 of each year.

**Section 2.5** changes the quarterly report required from the Governmental Data Analytics Center on the Longitudinal Data System to an annual report and change the annual due date to July 1.

## **PART III. VARIOUS EDUCATION REPORT CHANGES**

**Section 3.1** combines two reports on students with disabilities into one report that would be due annually on October 15.

**Section 3.2** combines the SBE report on the number of students in career and technical education courses who earned community college credit and related industry certifications and credentials with the SBE report on the impact of awarding college and career endorsements on the high school diplomas on high school graduation, college acceptance and remediation, and post-high school employment rates.

**Section 3.3** requires the annual report on the evaluation of cooperative innovative high schools to be combined with the annual report on Career and College Promise, including the College Transfer pathway and the Career and Technical Education pathway.

**Section 3.4** directs the Community College System Office rather than the SBCC to report on the number and types of tuition waivers granted.

**Section 3.5** establishes the date for the submission of the annual report from the Apprenticeship Council as September 1, and provides that the report no longer has to be submitted to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources or the chairs of the House and Senate Appropriations Committees on Agriculture and Natural and Economic Resources. The report would still be submitted to JLEOC and the chairs of the House and Senate Appropriations Committee on Education.

**Section 3.6** requires Teach for America, Inc. (TFA) to report annually to the President Pro Tempore of the Senate and the Speaker of the House, the Senate Appropriations/Base Budget Committee, the House Appropriations Committee, the Senate Appropriations Committee on Education/Higher Education, the House Appropriations Committee on Education, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division various information about the program, including the percentage of candidates who are North Carolina residents and become principals in a North Carolina public school following the initial TFA two-year commitment period. This section repeals the quarterly updates that TFA is required to submit in addition to the annual report.

**Section 3.7** directs the Community College System Office and the Department of Public Instruction to report to the Office of State Human Resources on the voluntary shared leave program instead of the SBCC and the SBE.

## **PART IV. REPORT ON SCHOOL START AND END DATES**

**Section 4** requires local boards of education to report annually by April 1 to the State Superintendent and the SBE on the start and end dates of the instructional calendar for students. In this report, local boards of education must identify the statutory exception that authorizes an earlier start date for all schools that begin earlier than the Monday closest to August 26. The SBE must then report this information to JLEOC by June 15 of each year. Local boards of education must report the information for the 2019-2020 school year by June 1, 2019, and the SBE must report to JLEOC by July 1, 2019.

# **Senate PCS 343**

*Page 3*

## **PART V. CLARIFY EDUCATION WORKFORCE INNOVATION COMMISSION MEMBERSHIP**

G.S. 115C-64.15(b) states that the Education Workforce Innovation Commission has 14 members including the Secretary of Commerce, the State Superintendent of Public Instruction, the Chair of the SBE, and the President of the North Carolina Community College System.

**Section 5** allows the above members to have their designees as members of the Education Workforce Innovation Commission.

## **PART VI. STAGGER PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION APPOINTMENTS**

G.S. 115C-268.1 requires members of PEPSC to serve for two year terms, with the first terms beginning September 1, 2017.

**Section 6** changes the initial term for some of the members from two years to three years in order to create a board with staggered terms. Once the initial terms expire, all new appointments would be for two year terms.

## **PART VII. EXEMPT STATE BOARD CHARTER ACTIONS FROM CONTESTED CASE PROVISIONS**

Under Article 3 of Chapter 150B of the General Statutes, disputes between a State agency and another person must first be reviewed by the Office of Administrative Hearings (OAH). The decision by OAH can then be reviewed in superior court under G.S. 150B-45. Therefore, if the board of directors of a charter school disagrees with the final action of the State Board regarding disapproval, termination, or nonrenewal of a charter, the board of directors must petition OAH for a hearing before an administrative law judge before seeking review in superior court.

**Section 7** exempts State Board actions related to disapproval, termination, or nonrenewal of charters from the type of contested case that could be subject to the jurisdiction of OAH.

**EFFECTIVE DATE:** Senate Bill 343 would be effective when it becomes law.

*\*Drupti Chauhan and Brian Gwyn, Committee Counsel, substantially contributed to this summary.*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 343  
Education/Higher Education Committee Substitute Adopted 4/3/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S343-CSBN-30 [v.3]  
06/24/2019 05:52:56 PM

Short Title: Various Education Law Changes.

(Public)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED  
AN ACT TO MAKE VARIOUS CHANGES TO LAWS RELATED TO EDUCATION.  
The General Assembly of North Carolina enacts:

**PART I. REPEAL CERTAIN EDUCATION REPORTS**

**SECTION 1.1.** G.S. 116C-5(e) is repealed.

**SECTION 1.2.** Section 7.28(g) of S.L. 2007-323 is repealed.

**SECTION 1.3.** G.S. 116C-4(c) is repealed.

**SECTION 1.4.** Section 9.5(b) of S.L. 2017-57 is repealed.

**SECTION 1.5.(a)** G.S. 115D-5(f) reads as rewritten:

"(f) A community college may not offer a new program without the approval of the State Board of Community Colleges except that approval shall not be required if the tuition for the program will fully cover the cost of the program. If at any time tuition fails to fully cover the cost of a program that falls under the exception, the program shall be discontinued unless approved by the State Board of Community Colleges. If a proposed new program would serve more than one community college, the State Board of Community Colleges shall perform a feasibility study prior to acting on the proposal. The State Board of Community Colleges shall consider whether a regional approach can be used when developing new programs and, to the extent possible, shall initiate new programs on a regional basis.

~~The State Board of Community Colleges shall report collect data on an annual basis to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, and the Joint Legislative Commission on Governmental Operations, on all new programs and program terminations it approved and any regionalization of programs during the year. The report shall include year, including the specific reasons for which each program was terminated or approved."~~

**SECTION 1.5.(b)** Section 8.2 of S.L. 2002-126 reads as rewritten:

"**SECTION 8.2.** It is the intent of the General Assembly to increase the number of regional program offerings in community colleges and to reduce duplication of programs by colleges that are within reasonably close proximity to each other; therefore, the State Board of Community Colleges shall review existing programs to determine which of the existing programs can be offered regionally. ~~In developing new programs, the State Board of Community Colleges shall consider whether a regional approach can be used, and to the extent possible, shall initiate new programs on a regional basis.~~

~~The State Board of Community Colleges shall report on an annual basis to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee on all new programs it approved and on the progress made on~~



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1 regional programs during the year. The report shall include the specific reasons for which each  
2 new program was approved, a progress report on regionalization of programs, and a list of  
3 program terminations approved by the State Board."  
4

## 5 PART II. REPORT DATE CHANGES

6 **SECTION 2.1** G.S. 115C-174.12(e) reads as rewritten:

7 "(e) By ~~November 1~~ December 15 of each year, the State Board of Education shall submit  
8 a report to the Joint Legislative Education Oversight Committee containing information  
9 regarding the statewide administration of the testing program, including the number and type of  
10 tests and the testing schedule, and a summary of any local testing programs reported by local  
11 boards of education to the State Board of Education in accordance with subsection (d) of this  
12 section."

13 **SECTION 2.2** G.S. 115C-218.110(b) reads as rewritten:

14 "(b) The State Board of Education shall review and evaluate the educational effectiveness  
15 of the charter schools authorized under this Article and the effect of charter schools on the public  
16 schools in the local school administrative unit in which the charter schools are located. The Board  
17 shall report annually no later than ~~January 15~~ February 15 to the Joint Legislative Education  
18 Oversight Committee on the following:

- 19 (1) The current and projected impact of charter schools on the delivery of services  
20 by the public schools.
- 21 (2) Student academic progress in the charter schools as measured, where  
22 available, against the academic year immediately preceding the first academic  
23 year of the charter schools' operation.
- 24 (3) Best practices resulting from charter school operations.
- 25 (4) Other information the State Board considers appropriate."

26 **SECTION 2.3** G.S. 115D-5.1(f) reads as rewritten:

27 "(f) The ~~State Board-Community Colleges System Office~~ shall report ~~on an annual basis~~  
28 no later than September 1 of each year to the Joint Legislative Education Oversight Committee  
29 on:

- 30 (1) The total amount of funds received by a company under the Customized  
31 Training ~~Program;Program.~~
- 32 (1a) The types of services sought by the company, whether for new, expanding, or  
33 existing industry.
- 34 (2) The amount of funds per trainee received by that ~~company;company.~~
- 35 (3) The amount of funds received per trainee by the community college delivering  
36 the ~~training;training.~~
- 37 (4) The number of trainees trained by the company and community ~~college;~~  
38 andcollege.
- 39 (5) The number of years that company has been funded."

40 **SECTION 2.4** G.S. 115D-9(g) reads as rewritten:

41 "(g) The ~~State Board-Community Colleges System Office~~ shall ~~annually report~~ no later  
42 than October 1 of each year to the State Building Commission the following:

- 43 (1) A list of projects governed by this section.
- 44 (2) The estimated cost of each project along with the actual cost.
- 45 (3) The name of each person awarded a contract under this section.
- 46 (4) Whether the person or business awarded a contract under this section meets  
47 the definition of "minority business" or "minority person" as defined in  
48 G.S. 143-128.2(g)."

49 **SECTION 2.5** G.S. 116E-4(c) reads as rewritten:

50 "(c) The Center shall report ~~quarterly-annually~~ to the Joint Legislative Education  
51 Oversight Committee, the Joint Legislative Commission on Governmental Operations, and the

Joint Legislative Oversight Committee on Information Technology beginning ~~September 30, 2013, July 1, 2019.~~ The report shall include the following:

- (1) An update on the implementation of the System's activities.
- (2) Any proposed or planned expansion of System data.
- (3) Any other recommendations made by the Center, including the most effective and efficient configuration for the System."

### PART III. VARIOUS EDUCATION REPORT CHANGES

SECTION 3.1.(a) G.S. 115C-107.5 reads as rewritten:

#### "§ 115C-107.5. Annual reports.

The State Board shall report ~~annually no later than October 15 of each year~~ to the Joint Legislative Education Oversight Committee on the implementation of this Article and the educational performance of children with disabilities. The report may be filed electronically. Each annual report shall include the following information:

- (1) ~~a~~ A copy of the following documents that were submitted, received, or made public during the year:
  - (i) ~~a.~~ The most recent State performance plan and any amendments to that plan submitted to the Secretary of ~~Education, Education.~~
  - (ii) ~~b.~~ compliance ~~Compliance~~ and monitoring reports submitted to the Secretary of ~~Education, Education.~~
  - (iii) ~~c.~~ The annual report submitted to the Secretary of Education on the performance of the State under its performance ~~plan, and plan.~~
  - (iv) ~~d.~~ any ~~Any~~ other information required under IDEA to be made available to the public. ~~In addition, the annual report shall include~~
- (2) ~~an~~ An analysis of the educational performance of children with disabilities in the State and a summary of disputes under Part 1D of this Chapter. ~~The report shall be filed no later than October 15 each year and may be filed electronically.~~
- (3) Development and implementation of any policies related to improving outcomes for elementary and secondary school students with disabilities, including any changes related to the directives set forth in Section 8.30 of S.L. 2015-241 as follows:
  - a. Reforms related to IEP requirements.
  - b. Transition services for students with disabilities from elementary to middle school, middle to high school, and high school to postsecondary education, and for employment opportunities and adult living options.
  - c. Increased access to Future Ready Core Course of Study for students with disabilities.
  - d. Model programs for use by local school administrative units to improve graduation rates and school performance of students with disabilities."

SECTION 3.1.(b) Section 8.30(b) of S.L. 2015-241 is repealed.

SECTION 3.2.(a) G.S. 115C-156.2(b) reads as rewritten:

"(b) Beginning in ~~2017, 2019,~~ the State Board of Education shall report to the Joint Legislative Education Oversight Committee by November 15 of each year on the following information:

- (1) The number of students in career and technical education courses who earned
  - (i) community college credit and
  - (ii) related industry certifications and credentials.

(2) Implementation of high school diploma endorsements, including adding (i) college, (ii) career, and (iii) college and career endorsements to high school diplomas, through evaluation of at least the following data:

a. Impact on the rates of high school graduation, college acceptance and remediation, and post-high school employment.

b. Beginning with the 2019-2020 school year, the number of students who had to retake a nationally norm-referenced college admissions test to meet the reading benchmark score required by G.S. 115C-12(40) to receive a high school diploma endorsement and the number of students who were not awarded a high school diploma endorsement solely because of the inability to meet the benchmark score for reading required by G.S. 115C-12(40)."

**SECTION 3.2.(b)** Section 1(b) of S.L. 2013-1, as amended by Section 16.1 of S.L. 2013-410, Section 89 of S.L. 2014-115, and Section 48(d) of S.L. 2017-102, reads as rewritten:

**"SECTION 1.(b)** The State Board of Education shall make high school diploma endorsements, as provided under this section, available to students graduating from high school beginning with the 2014-2015 school year. The State Board of Education shall report to the Joint Legislative Education Oversight Committee on the progress toward establishing specific college and career endorsements for high school diplomas and for awarding these endorsements by February 1, 2014. ~~The State Board of Education shall submit the report on the impact of awarding the high school endorsements on high school graduation, college acceptance and remediation, and post high school employment rates by November 15, 2016, and annually thereafter."~~

**SECTION 3.2.(c)** G.S. 115C-12(40) reads as rewritten:

"(40) To Establish High School Diploma Endorsements. – The State Board of Education shall establish, implement, and determine the impact of adding (i) college, (ii) career, and (iii) college and career endorsements to high school diplomas to encourage students to obtain requisite job skills necessary for students to be successful in a wide range of high-quality careers and to reduce the need for remedial education in institutions of higher education. These endorsements shall reflect courses completed, overall grade point average, reading achievement, and other criteria as developed by the State Board of Education. A student shall only receive a high school diploma endorsement if that student receives on a nationally norm-referenced college admissions test for reading, either administered under G.S. 115C-174.11(c)(4) or as an alternative nationally norm-referenced college admissions test approved by the State Board, at least the benchmark score established by the testing organization that represents the level of achievement required for students to have approximately a fifty percent (50%) chance of obtaining a grade B or higher or a seventy-five percent (75%) chance of obtaining a grade C or higher in a corresponding credit-bearing, first-year college course. A student may retake a nationally norm-referenced test as many times as necessary to achieve the required benchmark score for reading in order to receive a high school diploma endorsement prior to the student's graduation. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on ~~(i) the impact of awarding these endorsements on high school graduation, college acceptance and remediation, and post high school employment rates; (ii) the number of students who had to retake a nationally norm-referenced college admissions test to meet the reading benchmark score required by this subdivision to receive a high school diploma endorsement; and (iii) the number of students who were not awarded a high school diploma endorsement solely because of the inability to meet the benchmark score for~~

1 ~~reading as required by this subdivision. high school diploma endorsements in~~  
2 ~~accordance with G.S. 115C-156.2."~~

3 **SECTION 3.3.(a)** G.S. 115C-238.55 reads as rewritten:

4 **"§ 115C-238.55. Evaluation of cooperative innovative high schools.**

5 The State Board of Education and the governing Boards shall evaluate the success of students  
6 in cooperative innovative high schools approved under this Part. Success shall be measured by  
7 high school retention rates, high school completion rates, high school dropout rates, certification  
8 and associate degree completion, admission to four-year institutions, postgraduation employment  
9 in career or study-related fields, and employer satisfaction of employees who participated in and  
10 graduated from the schools. The Boards shall jointly report by March 15 of each year to the Joint  
11 Legislative Education Oversight Committee on the evaluation of these schools. The report shall  
12 be combined with the evaluation of the Career and College Promise Program required by  
13 G.S. 115D-5(x), and the Community Colleges System Office shall be responsible for submitting  
14 the combined report to the Committee."

15 **SECTION 3.3.(b)** G.S. 115D-5(x) reads as rewritten:

16 "(x) In addition to the evaluation of cooperative innovative high schools by the State Board  
17 of Education pursuant to G.S. 115C-238.55, the State Board of Community Colleges, in  
18 conjunction with the State Board of Education and the Board of Governors of The University of  
19 North Carolina, shall evaluate the success of students participating in the Career and College  
20 Promise Program, including the College Transfer pathway and the Career and Technical  
21 Education pathway. Success shall be measured by high school retention rates, high school  
22 completion rates, high school dropout rates, certification and associate degree completion,  
23 admission to four-year institutions, postgraduation employment in career or study-related fields,  
24 and employer satisfaction of employees who participated in the programs. The Boards shall  
25 jointly report by March 15 of each year to the Joint Legislative Education Oversight Committee.  
26 The report shall be combined with the evaluation of cooperative innovative high schools required  
27 by G.S. 115C-238.55, and the Community Colleges System Office shall be responsible for  
28 submitting the combined report to the Committee."

29 **SECTION 3.4** G.S. 115D-5(b2) reads as rewritten:

30 "(b2) Beginning February 1, 2018, and annually thereafter, the ~~State Board of~~ Community  
31 Colleges ~~System Office~~ shall report to the Joint Legislative Education Oversight Committee on  
32 the number and type of waivers granted pursuant to subsection (b) of this section."

33 **SECTION 3.5** G.S. 115D-11.6 reads as rewritten:

34 **"§ 115D-11.6. Apprenticeship Council.**

35 The State Board of Community Colleges shall appoint an Apprenticeship Council composed  
36 of four representatives each from employer and employee organizations respectively and three  
37 representatives from the public at large. One State official designated by the Department of  
38 Public Instruction and one State official designated by the Department of Commerce shall be a  
39 member ex officio of the council, without vote. The terms of office of the members of the  
40 Apprenticeship Council shall be designated by the State Board. Any member appointed to fill a  
41 vacancy occurring prior to the expiration of the term of his or her predecessor shall be appointed  
42 for the remainder of the term. Each member of the Council not otherwise compensated by public  
43 moneys, shall be reimbursed for transportation and shall receive such per diem compensation as  
44 is provided generally for boards and commissions under the biennial maintenance appropriation  
45 acts for each day spent in attendance at meetings of the Apprenticeship Council. The State Board  
46 of Community Colleges shall annually appoint one member of the Council to act as its chair.

47 The Apprenticeship Council shall meet at the call of the State Board of Community Colleges  
48 and shall aid the State Board and the Community Colleges System Office in formulating policies  
49 for the effective administration of this Article. The Apprenticeship Council shall establish  
50 standards for apprentice agreements which in no case shall be lower than those prescribed by this  
51 Article, shall recommend rules and regulations to the State Board of Community Colleges as may

1 be necessary to carry out the intent and purposes of this Article, and shall perform other functions  
2 as the State Board of Community Colleges may direct. ~~Not less than once a~~ No later than  
3 September 1 of each year the Apprenticeship Council shall make a report through the Community  
4 Colleges System Office of its activities and findings to the public and to the Joint Legislative  
5 ~~Education Oversight Committee on Agriculture and Natural and Economic Resources;~~  
6 ~~Committee,~~ the chairs of the Senate Appropriations Committee on ~~Agriculture, Natural, and~~  
7 ~~Economic Resources;~~ Education/Higher Education, and the chairs of the House of  
8 Representatives Appropriations Committee on ~~Agriculture and Natural and Economic~~  
9 ~~Resources.~~ Education."

10 **SECTION 3.6.(a)** G.S. 120-70.84 reads as rewritten:

11 **"§ 120-70.84. Reports to the Committee.**

12 By March 1, 2014, and by January 1, 2015, and annually thereafter, TFA [~~Teach for America,~~  
13 ~~Inc.~~ Teach for America, Inc. (TFA) shall report to the offices of the President Pro Tempore of  
14 the Senate and the Speaker of the House of Representatives, the Senate Appropriations/Base  
15 Budget Committee, the House Appropriations Committee, the Senate Appropriations Committee  
16 on Education/Higher Education, the House Appropriations Committee on Education, the Joint  
17 Legislative Education Oversight Committee, and the Fiscal Research Division on the  
18 operation of its programs under subsection (a) of Section 8.21 of S.L. 2013-360, including at  
19 least all of the following information:

- 20 (1) The total number of applications received nationally from candidates seeking  
21 participation in the program.
- 22 (2) The total number of applications received from candidates who are residents  
23 of North Carolina and information on the source of these candidates, including  
24 the number of (i) recent college graduates and the higher institution the  
25 candidates attended, (ii) mid-career level and lateral entry industry  
26 professionals, and (iii) veterans of the United States Armed Forces.
- 27 (3) The total number of North Carolina candidates accepted by TFA.
- 28 (4) The total number of accepted candidates placed in North Carolina, including  
29 the number of accepted candidates who are residents of North Carolina.
- 30 (5) The regions in which accepted candidates have been placed, the number of  
31 candidates in each region, and the number of students impacted by placement  
32 in those regions.
- 33 (6) Success of recruitment efforts, including the Teach Back Home program and  
34 targeting of candidates who are (i) working in areas related to STEM  
35 education, (ii) mid-career level and lateral entry industry professionals, and  
36 (iii) veterans of the United States Armed Forces.
- 37 (7) Success of retention efforts, including the Teach Beyond Two and Make it  
38 Home programs, and the percentage of accepted candidates working in their  
39 placement communities beyond the initial TFA two-year commitment period  
40 and the number of years those candidates teach beyond the initial  
41 commitment.
- 42 (7a) The percentage of candidates who are residents of North Carolina and become  
43 principals in a North Carolina public school following the initial TFA  
44 two-year commitment period.
- 45 (8) A financial accounting of how the State funds appropriated to TFA were  
46 expended in the previous year, including at least the following information:
  - 47 a. Funds expended by region of the State.
  - 48 b. Details on program costs, including at least the following:
    - 49 1. Recruitment, candidate selection, and placement.
    - 50 2. Preservice training and preparation costs.



3. Operational and administrative costs, including development and fundraising, alumni support, management costs, and marketing and outreach.

c. Funds received through private fundraising, specifically by sources in each region of the State."

**SECTION 3.6.(b)** Section 8.21(e) of S.L. 2013-360 is repealed.

**SECTION 3.7** G.S. 126-8.3(c) reads as rewritten:

"(c) The State Human Resources Commission, the ~~State Board of Education, Department of Public Instruction, and the State Board of Community Colleges~~ System Office and all State agencies, departments, and institutions shall annually report to the Office of State Human Resources on the voluntary shared leave program. For the prior fiscal year, the report shall include the total number of days or hours of vacation leave and sick leave donated and used by voluntary shared leave recipients and the total cost of the vacation leave and sick leave donated and used."

#### **PART IV. REPORT ON SCHOOL START AND END DATES**

**SECTION 4.(a)** G.S. 115C-84.2 is amended by adding new subsections to read:

"(a2) Report on School Start and End Dates. – As part of the reporting requirements under the Uniform Education Reporting System pursuant to G.S. 115C-12(18), annually by April 1 each local board of education shall report to the Superintendent of Public Instruction and the State Board of Education on the start and end dates of the instructional calendar for students for the next academic year. The local board of education shall report this information for each school under the control of that board and shall identify the statutory exception authorizing an earlier start date for all schools that start earlier than the Monday closest to August 26.

(a3) The State Board of Education shall report annually no later than June 15 to the Joint Legislative Education Oversight Committee on the start and end dates for instructional calendars for the next academic year reported by local boards of education as provided in subsection (a2) of this section. The report shall identify all schools that start earlier than the Monday closest to August 26 and the statutory exception for the earlier start date."

**SECTION 4.(b)** Notwithstanding G.S. 115C-84.2(a2) and (a3) as enacted by this act, local boards of education shall submit the report required by subsection (a) of this section with the information for the 2019-2020 school year to the Superintendent of Public Instruction and the State Board of Education by June 1, 2019. The State Board of Education shall then report that information submitted by the local boards of education to the Joint Legislative Education Oversight Committee by July 1, 2019.

#### **PART V. CLARIFY EDUCATION WORKFORCE INNOVATION COMMISSION MEMBERSHIP**

**SECTION 5.** G.S. 115C-64.15(b) reads as rewritten:

"(b) The Commission shall consist of the following 14 members:

- (1) The Secretary of ~~Commerce~~ Commerce or his or her designee.
- (2) The State Superintendent of Public ~~Instruction~~ Instruction or his or her designee.
- (3) The Chair of the State Board of ~~Education~~ Education or his or her designee.
- (4) The President of The University of North ~~Carolina~~ Carolina or his or her designee.
- (5) The President of the North Carolina Community College ~~System~~ System or his or her designee.
- (6) Three members appointed by the Governor who have experience in education.

- (7) Three members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121, who have experience in businesses operating in North Carolina.
- (8) Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121, who have experience in businesses operating in North Carolina."

**PART VI. STAGGER PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION APPOINTMENTS**

**SECTION 6.(a) G.S. 115C-268.1 reads as rewritten:**

**"§ 115C-268.1. Professional Educator Preparation and Standards Commission.**

...

(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 postsecondary educational institution in North Carolina.
- e. One dean, or dean's designee, of an educator preparation program at a historically black college or university in North Carolina.
- f. One teacher.
- g. One personnel administrator from a local school administrative unit in North Carolina with at least 30,000 students.
- 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 postsecondary educational institution in North Carolina.
- e. One teacher.
- f. One personnel administrator from a local school administrative unit in North Carolina with less than 30,000 students.
- g. One member of the State Advisory Council on Indian Education.
- h. One at-large member.

(3) The State Teacher of the Year.

(4) The Superintendent of Public Instruction or his or her designee.

(c1) Appointments and Vacancies. – In making appointments, appointments to the Commission, 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



1 this State. ~~Appointed members shall serve for two-year terms.~~ Initial terms shall begin September  
2 1, ~~2017.~~ 2017, and shall be appointed as follows:

3 (1) The members appointed pursuant to sub-subdivisions c., e., g., and h. of  
4 subdivision (1) of this subsection and sub-subdivisions a., b., d., and e. of  
5 subdivision (2) of this subsection shall serve two-year terms expiring August  
6 31, 2019.

7 (2) The members appointed pursuant to sub-subdivisions a., b., d., and f. of  
8 subdivision (1) of this subsection and sub-subdivisions c., f., g., and h. of  
9 subdivision (2) of this subsection shall serve three-year terms expiring August  
10 31, 2020.

11 As the initial terms expire for members appointed as provided in this subsection, members  
12 shall be appointed to those seats to serve for two-year terms. Vacancies in the membership shall  
13 be filled by the General Assembly, as provided in G.S. 120-122, using the same criteria as  
14 provided in this subsection.

15 ...."

16 **SECTION 6.(b)** Notwithstanding any provision of S.L. 2017-207 to the contrary,  
17 subsection (a) of this section applies to appointed members currently serving their terms on the  
18 Professional Educator Preparation and Standards Commission.

19  
20 **PART VII. EXEMPT STATE BOARD CHARTER ACTIONS FROM CONTESTED**  
21 **CASE PROVISIONS**

22 **SECTION 7.(a)** G.S. 150B-1(e) is amended by adding a new subdivision to read:

23 "(25) The State Board of Education with respect to the disapproval, termination, or  
24 nonrenewal of charters under Article 14A of Chapter 115C of the General  
25 Statutes."

26  
27 **PART VIII. EFFECTIVE DATE**

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

2

SENATE BILL 343  
Education/Higher Education Committee Substitute Adopted 4/3/19

Short Title: Changes to Education Reports.

(Public)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED  
AN ACT TO REVISE REPORTING REQUIREMENTS RELATED TO EDUCATION.  
The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116C-5(e) is repealed.

**SECTION 2.** Section 7.28(g) of S.L. 2007-323 is repealed.

**SECTION 3.** G.S. 116C-4(c) is repealed.

**SECTION 4.** Section 9.5(b) of S.L. 2017-57 is repealed.

**SECTION 5.** G.S. 116E-4(c) reads as rewritten:

"(c) The Center shall report ~~quarterly~~ annually to the Joint Legislative Education Oversight Committee, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative Oversight Committee on Information Technology beginning ~~September 30, 2013~~ July 1, 2019. The report shall include the following:

- (1) An update on the implementation of the System's activities.
- (2) Any proposed or planned expansion of System data.
- (3) Any other recommendations made by the Center, including the most effective and efficient configuration for the System."

**SECTION 6.(a)** G.S. 115C-107.5 reads as rewritten:

**"§ 115C-107.5. Annual reports.**

The State Board shall report ~~annually~~ no later than October 15 of each year to the Joint Legislative Education Oversight Committee on the implementation of this Article and the educational performance of children with disabilities. The report may be filed electronically. Each annual report shall include the following information:

- (1) ~~a~~ A copy of the following documents that were submitted, received, or made public during the year:
  - (i) ~~a.~~ a. ~~the~~ The most recent State performance plan and any amendments to that plan submitted to the Secretary of ~~Education~~ Education.
  - (ii) ~~b.~~ b. ~~compliance~~ Compliance and monitoring reports submitted to the Secretary of ~~Education~~ Education.
  - (iii) ~~c.~~ c. ~~the~~ The annual report submitted to the Secretary of Education on the performance of the State under its performance ~~plan, and plan.~~ plan.
  - (iv) ~~d.~~ d. ~~any~~ Any other information required under IDEA to be made available to the public. ~~In addition, the annual report shall include~~
- (2) ~~an~~ An analysis of the educational performance of children with disabilities in the State and a summary of disputes under Part 1D of this Chapter. ~~The report shall be filed no later than October 15 each year and may be filed electronically.~~



(3) Development and implementation of any policies related to improving outcomes for elementary and secondary school students with disabilities, including any changes related to the directives set forth in Section 8.30 of S.L. 2015-241 as follows:

- a. Reforms related to IEP requirements.
- b. Transition services for students with disabilities from elementary to middle school, middle to high school, and high school to postsecondary education, and for employment opportunities and adult living options.
- c. Increased access to Future Ready Core Course of Study for students with disabilities.
- d. Model programs for use by local school administrative units to improve graduation rates and school performance of students with disabilities."

**SECTION 6.(b)** Section 8.30(b) of S.L. 2015-241 is repealed.

**SECTION 7.(a)** G.S. 115C-156.2(b) reads as rewritten:

"(b) Beginning in ~~2017~~, 2019, the State Board of Education shall report to the Joint Legislative Education Oversight Committee by November 15 of each year on the following information:

- (1) The number of students in career and technical education courses who earned (i) community college credit and (ii) related industry certifications and credentials.
- (2) Implementation of high school diploma endorsements, including adding (i) college, (ii) career, and (iii) college and career endorsements to high school diplomas, through evaluation of at least the following data:
  - a. Impact on the rates of high school graduation, college acceptance and remediation, and post-high school employment.
  - b. Beginning with the 2019-2020 school year, the number of students who had to retake a nationally norm-referenced college admissions test to meet the reading benchmark score required by G.S. 115C-12(40) to receive a high school diploma endorsement and the number of students who were not awarded a high school diploma endorsement solely because of the inability to meet the benchmark score for reading required by G.S. 115C-12(40)."

**SECTION 7.(b)** Section 1(b) of S.L. 2013-1, as amended by Section 16.1 of S.L. 2013-410, Section 89 of S.L. 2014-115, and Section 48(d) of S.L. 2017-102, reads as rewritten:

**"SECTION 1.(b)** The State Board of Education shall make high school diploma endorsements, as provided under this section, available to students graduating from high school beginning with the 2014-2015 school year. The State Board of Education shall report to the Joint Legislative Education Oversight Committee on the progress toward establishing specific college and career endorsements for high school diplomas and for awarding these endorsements by February 1, 2014. ~~The State Board of Education shall submit the report on the impact of awarding the high school endorsements on high school graduation, college acceptance and remediation, and post high school employment rates by November 15, 2016, and annually thereafter."~~

**SECTION 7.(c)** G.S. 115C-12(40) reads as rewritten:

"(40) To Establish High School Diploma Endorsements. – The State Board of Education shall establish, implement, and determine the impact of adding (i) college, (ii) career, and (iii) college and career endorsements to high school diplomas to encourage students to obtain requisite job skills necessary for students to be successful in a wide range of high-quality careers and to reduce the need for remedial education in institutions of higher education. These

endorsements shall reflect courses completed, overall grade point average, reading achievement, and other criteria as developed by the State Board of Education. A student shall only receive a high school diploma endorsement if that student receives on a nationally norm-referenced college admissions test for reading, either administered under G.S. 115C-174.11(c)(4) or as an alternative nationally norm-referenced college admissions test approved by the State Board, at least the benchmark score established by the testing organization that represents the level of achievement required for students to have approximately a fifty percent (50%) chance of obtaining a grade B or higher or a seventy-five percent (75%) chance of obtaining a grade C or higher in a corresponding credit-bearing, first-year college course. A student may retake a nationally norm-referenced test as many times as necessary to achieve the required benchmark score for reading in order to receive a high school diploma endorsement prior to the student's graduation. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on ~~(i) the impact of awarding these endorsements on high school graduation, college acceptance and remediation, and post high school employment rates; (ii) the number of students who had to retake a nationally norm-referenced college admissions test to meet the reading benchmark score required by this subdivision to receive a high school diploma endorsement; and (iii) the number of students who were not awarded a high school diploma endorsement solely because of the inability to meet the benchmark score for reading as required by this subdivision.~~ high school diploma endorsements in accordance with G.S. 115C-156.2."

**SECTION 8.(a)** G.S. 115D-5(f) reads as rewritten:

"(f) A community college may not offer a new program without the approval of the State Board of Community Colleges except that approval shall not be required if the tuition for the program will fully cover the cost of the program. If at any time tuition fails to fully cover the cost of a program that falls under the exception, the program shall be discontinued unless approved by the State Board of Community Colleges. If a proposed new program would serve more than one community college, the State Board of Community Colleges shall perform a feasibility study prior to acting on the proposal. The State Board of Community Colleges shall consider whether a regional approach can be used when developing new programs and, to the extent possible, shall initiate new programs on a regional basis.

The State Board of Community Colleges shall ~~report collect data on an annual basis to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, and the Joint Legislative Commission on Governmental Operations, on all new programs and program terminations it approved and any regionalization of programs during the year. The report shall include year, including the specific reasons for which each program was terminated or approved."~~

**SECTION 8.(b)** Section 8.2 of S.L. 2002-126 reads as rewritten:

"**SECTION 8.2.** It is the intent of the General Assembly to increase the number of regional program offerings in community colleges and to reduce duplication of programs by colleges that are within reasonably close proximity to each other; therefore, the State Board of Community Colleges shall review existing programs to determine which of the existing programs can be offered regionally. ~~In developing new programs, the State Board of Community Colleges shall consider whether a regional approach can be used, and to the extent possible, shall initiate new programs on a regional basis.~~

~~The State Board of Community Colleges shall report on an annual basis to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee on all new programs it approved and on the progress made on regional programs during the year. The report shall include the specific reasons for which each~~



1 new program was approved, a progress report on regionalization of programs, and a list of  
2 program terminations approved by the State Board."

3 **SECTION 9.** G.S. 115D-5(b2) reads as rewritten:

4 "(b2) Beginning February 1, 2018, and annually thereafter, the State Board of Community  
5 Colleges System Office shall report to the Joint Legislative Education Oversight Committee on  
6 the number and type of waivers granted pursuant to subsection (b) of this section."

7 **SECTION 10.(a)** G.S. 115C-238.55 reads as rewritten:

8 "**§ 115C-238.55. Evaluation of cooperative innovative high schools.**

9 The State Board of Education and the governing Boards shall evaluate the success of students  
10 in cooperative innovative high schools approved under this Part. Success shall be measured by  
11 high school retention rates, high school completion rates, high school dropout rates, certification  
12 and associate degree completion, admission to four-year institutions, postgraduation employment  
13 in career or study-related fields, and employer satisfaction of employees who participated in and  
14 graduated from the schools. The Boards shall jointly report by March 15 of each year to the Joint  
15 Legislative Education Oversight Committee on the evaluation of these schools. The report shall  
16 be combined with the evaluation of the Career and College Promise Program required by  
17 G.S. 115D-5(x), and the Community Colleges System Office shall be responsible for submitting  
18 the combined report to the Committee."

19 **SECTION 10.(b)** G.S. 115D-5(x) reads as rewritten:

20 "(x) In addition to the evaluation of cooperative innovative high schools by the State Board  
21 of Education pursuant to G.S. 115C-238.55, the State Board of Community Colleges, in  
22 conjunction with the State Board of Education and the Board of Governors of The University of  
23 North Carolina, shall evaluate the success of students participating in the Career and College  
24 Promise Program, including the College Transfer pathway and the Career and Technical  
25 Education pathway. Success shall be measured by high school retention rates, high school  
26 completion rates, high school dropout rates, certification and associate degree completion,  
27 admission to four-year institutions, postgraduation employment in career or study-related fields,  
28 and employer satisfaction of employees who participated in the programs. The Boards shall  
29 jointly report by March 15 of each year to the Joint Legislative Education Oversight Committee.  
30 The report shall be combined with the evaluation of cooperative innovative high schools required  
31 by G.S. 115C-238.55, and the Community Colleges System Office shall be responsible for  
32 submitting the combined report to the Committee."

33 **SECTION 11.** G.S. 115D-5.1(f) reads as rewritten:

34 "(f) The State Board Community Colleges System Office shall report on an annual basis  
35 no later than September 1 of each year to the Joint Legislative Education Oversight Committee  
36 on:

- 37 (1) The total amount of funds received by a company under the Customized  
38 Training ~~Program;Program.~~
- 39 (1a) The types of services sought by the company, whether for new, expanding, or  
40 existing industry.
- 41 (2) The amount of funds per trainee received by that ~~company;company.~~
- 42 (3) The amount of funds received per trainee by the community college delivering  
43 the ~~training;training.~~
- 44 (4) The number of trainees trained by the company and community ~~college;~~  
45 ~~and college.~~
- 46 (5) The number of years that company has been funded."

47 **SECTION 12.** G.S. 115D-9(g) reads as rewritten:

48 "(g) The State Board Community Colleges System Office shall annually report no later  
49 than October 1 of each year to the State Building Commission the following:

- 50 (1) A list of projects governed by this section.
- 51 (2) The estimated cost of each project along with the actual cost.

- (3) The name of each person awarded a contract under this section.
- (4) Whether the person or business awarded a contract under this section meets the definition of "minority business" or "minority person" as defined in G.S. 143-128.2(g)."

SECTION 13. G.S. 115D-11.6 reads as rewritten:

**"§ 115D-11.6. Apprenticeship Council.**

The 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 Commerce shall be a member ex officio of the council, without vote. The terms of office of the members of the Apprenticeship Council shall be designated by the State Board. 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 the 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 State Board of Community Colleges shall annually appoint one member of the Council to act as its chair.

The Apprenticeship Council shall meet at the call of the State Board of Community Colleges and shall aid the State Board and the Community Colleges System Office in formulating policies for the effective administration of this Article. The Apprenticeship Council shall establish standards for apprentice agreements which in no case shall be lower than those prescribed by this Article, shall recommend rules and regulations to the State Board of Community Colleges as may be necessary to carry out the intent and purposes of this Article, and shall perform other functions as the State Board of Community Colleges may direct. ~~Not less than once a~~ No later than September 1 of each year the Apprenticeship Council shall make a report through the Community Colleges System Office of its activities and findings to the public and to the Joint Legislative ~~Education Oversight Committee on Agriculture and Natural and Economic Resources;~~ Committee, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources; Education/Higher Education, and the chairs of the House of Representatives Appropriations Committee on ~~Agriculture and Natural and Economic Resources.~~ Education."

SECTION 14. G.S. 126-8.3(c) reads as rewritten:

"(c) The State Human Resources Commission, the ~~State Board of Education, Department of Public Instruction,~~ and the ~~State Board of Community Colleges System Office~~ and all State agencies, departments, and institutions shall annually report to the Office of State Human Resources on the voluntary shared leave program. For the prior fiscal year, the report shall include the total number of days or hours of vacation leave and sick leave donated and used by voluntary shared leave recipients and the total cost of the vacation leave and sick leave donated and used."

SECTION 15. Section 8.21(e) of S.L. 2013-360 reads as rewritten:

"SECTION 8.21.(e) TFA shall submit ~~quarterly~~ biannual updates on the information contained in the annual report required by this section to the offices of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Chairs of the Senate Appropriations/Base Budget Committee, the House Appropriations Committee, the Senate Appropriations Committee on Education/Higher Education, the House Appropriations Subcommittee on Education, and the Fiscal Research Division."

SECTION 16. G.S. 115C-174.12(e) reads as rewritten:

"(e) By ~~November 1~~ December 15 of each year, the State Board of Education shall submit a report to the Joint Legislative Education Oversight Committee containing information regarding the statewide administration of the testing program, including the number and type of

1 tests and the testing schedule, and a summary of any local testing programs reported by local  
2 boards of education to the State Board of Education in accordance with subsection (d) of this  
3 section."

4 **SECTION 17.** G.S. 115C-218.110(b) reads as rewritten:

5 "(b) The State Board of Education shall review and evaluate the educational effectiveness  
6 of the charter schools authorized under this Article and the effect of charter schools on the public  
7 schools in the local school administrative unit in which the charter schools are located. The Board  
8 shall report annually no later than ~~January 15~~ February 15 to the Joint Legislative Education  
9 Oversight Committee on the following:

10 (1) The current and projected impact of charter schools on the delivery of services  
11 by the public schools.

12 (2) Student academic progress in the charter schools as measured, where  
13 available, against the academic year immediately preceding the first academic  
14 year of the charter schools' operation.

15 (3) Best practices resulting from charter school operations.

16 (4) Other information the State Board considers appropriate."

17 **SECTION 18.(a)** G.S. 115C-84.2 is amended by adding new subsections to read:

18 "(a2) Report on School Start and End Dates. – As part of the reporting requirements under  
19 the Uniform Education Reporting System pursuant to G.S. 115C-12(18), annually by April 1  
20 each local board of education shall report to the Superintendent of Public Instruction and the  
21 State Board of Education on the start and end dates of the instructional calendar for students for  
22 the next academic year. The local board of education shall report this information for each school  
23 under the control of that board and shall identify the statutory exception authorizing an earlier  
24 start date for all schools that start earlier than the Monday closest to August 26.

25 (a3) The State Board of Education shall report annually no later than June 15 to the Joint  
26 Legislative Education Oversight Committee on the start and end dates for instructional calendars  
27 for the next academic year reported by local boards of education as provided in subsection (a2)  
28 of this section. The report shall identify all schools that start earlier than the Monday closest to  
29 August 26 and the statutory exception for the earlier start date."

30 **SECTION 18.(b)** Notwithstanding G.S. 115C-84.2(a2) and (a3) as enacted by this  
31 act, local boards of education shall submit the report required by subsection (a) of this section  
32 with the information for the 2019-2020 school year to the Superintendent of Public Instruction  
33 and the State Board of Education by June 1, 2019. The State Board of Education shall then report  
34 that information submitted by the local boards of education to the Joint Legislative Education  
35 Oversight Committee by July 1, 2019.

36 **SECTION 19.** This act is effective when it becomes law.





## SENATE BILL 354: Sam's Law.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 25, 2019
<b>Introduced by:</b>	Sens. Ballard, Edwards, Harrington	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to Second Edition S354-CSRQ-16		Committee Counsel

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**OVERVIEW:** *The Proposed Committee Substitute for Senate Bill 354 would delete all of the contents of the bill and replace with the contents of House Bill 955, Sam's Law.*

**BILL ANALYSIS:** The Proposed Committee Substitute (PCS) for Senate Bill 354 would require seizure action plans for students who have seizure disorders and training for school employees on how to assist and provide medication to these students.

**Seizure Action Plan:** The parent of a student with a seizure disorder can petition the student's school, whether it be a public school (including charter schools, regional schools and schools operated by The University of North Carolina) or a private school (including church schools, schools of religious charter, or qualified nonpublic schools) for the development of a seizure action plan. The school must keep each seizure action plan on file in the office of a school administrator or school nurse and may make the plan available to any school personnel and, if the parent agrees, volunteers that supervise the student. The parents and schools must develop the seizure action plan in accordance with the policies and procedures developed by the governing body of the school (such as a local board of education or a board of directors).

The plan must include the following:

- A written statement from the student's health care provider that includes information on any prescribed seizure medication, the dosage and administration of the medication, and the symptoms that necessitate the administration of the medication.
- A written statement from the parent indicating whether trained school personnel or volunteers are permitted to administer the medication.
- If the parent allows school personnel or volunteers to administer the medication, the parent must provide the school with at least one, unopened dosage of the medication with an intact pharmaceutical label.
- A requirement that the school store the medication in a safe and secure location accessible by the trained school personnel and volunteers.

**School Employee Training and Administration of Seizure Medication:** Each school (public and private) must ensure that at least one school employee is trained to administer or assist with the self-administration of seizure medication. The governing body of the school must adopt minimum training requirements which are consistent with the guidelines established by the Epilepsy Foundation of America.

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.*

# Senate PCS 354

Page 2

Seizure Education Program for School Employees: The governing body of each public school must adopt a policy that outlines the requirements of seizure education program for all school personnel that have direct contact with students in grades K-12. The seizure education program must be administered annually in each public school and meet the following requirements:

- Provide instructions in administering seizure medications.
- Educate on the signs and symptoms of seizures and how to respond.
- Be consistent with guidelines established with the Epilepsy Foundation of America.

Self-Study Requirement for School Employees: The governing body of each school (public and private) must:

- Adopt a policy that requires all principals, guidance counselors, and teachers to complete at least one hour of self-study review of seizure disorder materials each school year.
- Select the materials for the self-study.

Informational Poster: The governing body of each school (public and private) must ensure that an informational display on seizure first aid is posted in at least one visible, high-traffic area in each school.

Limitation on Liability: No governing body of any school, nor its members, employees, designees, agents, or volunteers are liable in civil damages to any party for any act authorized by the new statute or for any omission related to that act, unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.

Adoption of Rules and Policies:

- The State Board of Education must adopt rules for all schools operated under its control regarding seizures and the requirements of this bill.
- Local boards of education must adopt policies regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- Charter schools must adopt policies regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- Regional schools must adopt policies regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- The Board of Governors of The University of North Carolina must adopt policies for schools under its control regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- Private church schools or schools of religious charter must adopt policies regarding seizures and the requirements of this bill.
- Qualified nonpublic schools must adopt policies regarding seizures and the requirements of this bill.

**EFFECTIVE DATE:** The bill becomes effective when it becomes law and applies beginning with the 2020-2021 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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D

SENATE BILL 354  
Education/Higher Education Committee Substitute Adopted 5/6/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S354-CSRQ-16 [v.6]  
06/24/2019 05:07:50 PM

Short Title: Sam's Law.

(Public)

Sponsors:

Referred to:

March 26, 2019

A BILL TO BE ENTITLED  
AN ACT RELATING TO SEIZURE DISORDERS IN SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as the "Seizure Safe Schools Act of 2019" or "Sam's Law" and may be cited by those names.

**SECTION 2.** Article 25A of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-375.7. Seizures.**

(a) Definitions. – For purposes of this section, the following definitions shall apply:

(1) Parent. – A parent, legal guardian, or legal custodian of a student.

(2) Public school unit. – Any of the following:

a. A local school administrative unit.

b. A charter school.

c. A regional school.

d. A school providing elementary or secondary instruction operated by one of the following:

1. The State Board of Education, including schools operated under Article 7A and Article 9C of this Chapter.

2. The University of North Carolina, including schools operated under Article 4, Article 29, and Article 29A of Chapter 116 of the General Statutes.

(3) School. – A school within a public school unit or a school that meets the requirements of Part 1 or Part 2 of Article 39 of this Chapter.

(4) Seizure action plan. – A written, individualized health plan between a school and the parent of a student in the school who is diagnosed with a seizure disorder. The plan acknowledges the health care needs of the student, prepares both parties to meet those needs, and applies over the course of a school year.

(b) Seizure Action Plan. – The parent of any student may petition a school for the development of a seizure action plan if the student is (i) diagnosed with a seizure disorder and (ii) enrolled in the school. The school shall keep each seizure action plan on file in the office of a school administrator or school nurse employed by the public school unit or school and make the plan available to any school personnel and, with the permission of the student's parent, any volunteer responsible for the supervision of the student. The parent and the school shall develop the seizure action plan in accordance with policies and procedures developed by the governing body of a school. At a minimum, the plan shall include the following components:



\* S 3 5 4 - C S R Q - 1 6 \*

- 1           (1) A written statement from the student's health care provider with all of the  
2           following information:  
3           a. The student's name.  
4           b. Any seizure medication prescribed to the student.  
5           c. The dosage and method of administering the seizure medication.  
6           d. The frequency of administration of the seizure medication.  
7           e. The symptoms necessitating administration of the seizure medication.  
8           (2) A written statement from the parent indicating whether trained school  
9           personnel or volunteers are permitted to administer the seizure medication to  
10           the student in the applicable school year. This permission shall be renewed in  
11           each subsequent school year the student attends the school.  
12           (3) If the written statement permits trained school personnel or volunteers to  
13           administer the seizure medication to the student, the written statement shall  
14           require that the parent will provide the school with at least one, unopened  
15           dosage of the medication with an intact pharmaceutical label.  
16           (4) A requirement that the school shall store the medication in a safe and secure  
17           location accessible only by school personnel or volunteers with training to  
18           administer seizure medication in accordance with subsection (c) of this  
19           section.  
20           (c) Employee Training and Administration of Seizure Medication. – Each school shall  
21           ensure that at least one employee in the school is trained to administer or assist with the  
22           self-administration of any seizure medication provided to the school pursuant to subsection (b)  
23           of this section. The governing body of each school shall adopt minimum training requirements  
24           for these employees and for any volunteer that may supervise students with seizure disorders if  
25           the volunteer elects to receive the training. The training requirements shall be consistent with  
26           training guidelines established by the Epilepsy Foundation of America, Inc., or its successor.  
27           (d) Seizure Education Program. – The governing body of each public school unit shall  
28           adopt a policy outlining the requirements of a seizure education program for all school personnel  
29           having direct contact with students in grades kindergarten through 12. The seizure education  
30           program shall be administered on an annual basis in each public school unit and, at a minimum,  
31           meet the following requirements:  
32           (1) Provide instructions in administering seizure medications.  
33           (2) Educate on the signs and symptoms of seizures and the appropriate steps to be  
34           taken to respond to symptoms of a seizure.  
35           (3) Be consistent with guidelines established by the Epilepsy Foundation of  
36           America, Inc., or its successor.  
37           (e) Self-Study Requirement. – The governing body of each school shall adopt a policy  
38           requiring all principals, guidance counselors, and teachers to complete at least one hour of  
39           self-study review of seizure disorder materials each school year. The governing body of each  
40           school shall select the materials for study in accordance with current practices and standards.  
41           (f) Informational Poster. – The governing body of each school shall ensure that an  
42           informational display on seizure first aid is posted in at least one visible, high-traffic area in each  
43           school.  
44           (g) Limitation on Liability. – No governing body of any school, nor its members,  
45           employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any  
46           act authorized by this section or for any omission relating to that act, unless that act or omission  
47           amounts to gross negligence, wanton conduct, or intentional wrongdoing."  
48           **SECTION 3.(a)** G.S. 115C-12 is amended by adding a new subdivision to read:  
49           "(47) Duty Regarding Seizures. – The State Board of Education shall adopt a rule  
50           regarding seizures in accordance with G.S. 115C-375.7 for all schools  
51           operated under the control of the State Board of Education."



1           **SECTION 3.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

2           **"(64) Duty Regarding Seizures.** – Each local board of education shall adopt a policy  
3           regarding seizures in accordance with G.S. 115C-375.7 and the rule adopted  
4           by the State Board of Education pursuant to G.S. 115C-12(47)."

5           **SECTION 3.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

6           **"(g) Seizure Policy.** – A charter school shall adopt a policy regarding seizures in  
7           accordance with G.S. 115C-375.7 and the rule adopted by the State Board of Education pursuant  
8           to G.S. 115C-12(47)"

9           **SECTION 3.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

10           **"(14) Seizure policy.** – A regional school shall adopt a policy regarding seizures in  
11           accordance with G.S. 115C-375.7 and the rule adopted by the State Board of  
12           Education pursuant to G.S. 115C-12(47)."

13           **SECTION 3.(e)** G.S. 116-11 is amended by adding a new subdivision to read:

14           **"(12f) The Board of Governors shall adopt a policy regarding seizures in accordance**  
15           with G.S. 115C-375.7 for all public school units, as defined in that section,  
16           operated under the control of the Board of Governors and the rule adopted by  
17           the State Board of Education pursuant to G.S. 115C-12(47)."

18           **SECTION 3.(f)** Article 39 of Chapter 115C of the General Statutes is amended by  
19           adding two new sections to read:

20           **"§ 115C-548.5. Seizure policy.**

21           Each private church school or school of religious charter shall adopt a policy regarding  
22           seizures in accordance with G.S. 115C-375.7.

23           ...

24           **"§ 115C-556.5. Seizure policy.**

25           Each qualified nonpublic school shall adopt a policy regarding seizures in accordance with  
26           G.S. 115C-375.7."

27           **SECTION 4.** If House Bill 57, 2019 Regular Session, becomes law, then G.S. 115C-  
28           375.7(a)(2) as enacted by this act, is repealed.

29           **SECTION 5.** This act becomes effective when it becomes law, and applies beginning  
30           with the 2020-2021 school year.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 354  
Education/Higher Education Committee Substitute Adopted 5/6/19

Short Title: Student Notice/Charter School Closure/Restr.

(Public)

Sponsors:

Referred to:

March 26, 2019

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE NOTICE TO PARENTS PRIOR TO CLOSING A CHARTER  
SCHOOL OR MATERIALLY REVISING ITS CHARTER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-218.9. Notice requirements prior to the material revision of a charter.**

(a) Charter School Mandatory Notice. – At least seven days prior to meeting to consider requesting a material revision to its charter pursuant to G.S. 115C-218.7, a charter school board of directors shall notify the parents of students enrolled in the charter school by electronic mail or the parents' preferred method of written communication, including (i) details of the date, time, and location of the board of directors' meeting and (ii) a description of the material revision being considered.

(b) Charter School Discretionary Notice. – A charter school shall be encouraged, but not required, to notify parents of students enrolled in the charter school by electronic mail or the parents' preferred method of written communication of the final action by the State Board regarding a request for material revision of the school's charter."

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

**"§ 115C-218.97. Notice and hearing requirements prior to nonrenewal of the charter of a continually low-performing charter school.**

(a) Public Hearing. – As part of the review of the operations of a charter school required by G.S. 115C-218.6(a), for continually low-performing charter schools, the Office of Charter Schools shall provide for a public hearing at a location in the local school administrative unit in which the charter school is located. At the hearing, (i) information on at least the academic performance of the charter school shall be presented and (ii) the public, including parents, teachers, and community members, shall be afforded an opportunity to express their views. At least one member of the State Board and the Advisory Board shall attend the hearing.

(b) Notice of Public Hearing. – At least 20 days prior to a public hearing pursuant to subsection (a) of this section, the Office of Charter Schools shall notify the continually low-performing charter school of the date, time, location, and methods for parents, teachers, and community members to submit comments.

(c) Record of Public Hearing. – Prior to taking final action to not renew the charter of a continually low-performing charter school under G.S. 115C-218.95, the State Board shall review and consider a record of the public hearing held pursuant to subsection (a) of this section, in addition to any supporting documentation related to the hearing.



(d) Charter School Requirements. – A continually low-performing charter school shall notify the parents of students enrolled in the charter school by electronic mail or the parents' preferred method of written communication within five days of receiving notice of any of the following:

(1) The Office of Charter Schools has scheduled a public hearing pursuant to subsection (a) of this section. The notice to parents shall include details regarding the date, time, location, and how comments may be submitted.

(2) The State Board's final action on a recommendation to not renew the charter.

**"§ 115C-218.98. Notice and hearing requirements prior to termination of a charter.**

(a) Advisory Board Requirements. – Prior to a final recommendation by the Advisory Board to terminate a charter under G.S. 115C-218.95, the Advisory Board shall do the following:

(1) Notify the charter school that a public hearing will be conducted on the proposed recommendation by the Advisory Board at least 20 days in advance of the hearing, including the date, time, location, and methods for parents, teachers, and community members to submit comments.

(2) Provide for a public hearing regarding the proposed recommendation at a location in the local school administrative unit in which the charter school is located. At the hearing, (i) information on at least the academic performance of the charter school shall be presented and (ii) the public, including parents, teachers, and community members, shall be afforded an opportunity to express their views. The Advisory Board may direct the Office of Charter Schools to conduct the public hearing, but at least one member of the State Board and the Advisory Board shall attend the hearing.

(3) Review and consider at least the following information prior to making its final recommendation:

a. A record of the public hearing conducted pursuant to subdivision (2) of this subsection, in addition to any supporting documentation related to the hearing.

b. A comparison of the charter school's student academic outcomes for the immediately preceding three years to the academic outcomes of students in the local school administrative unit in which the charter school is located.

c. An analysis of whether the charter school has met growth or has made measurable progress toward student performance goals under a strategic improvement plan.

d. Considerations related to transitioning students with disabilities enrolled in the charter school to a new school, should the charter school be closed.

e. The impact on the capital needs of the public school or schools where students will be assigned if the charter school ceases to operate.

(b) State Board Requirements. – At least 20 days prior to meeting to take final action on a recommendation of the Advisory Board to terminate a charter, the State Board of Education shall notify the charter school of the date, time, and location of the meeting. In making its final determination, the State Board shall review and consider at least the following:

(1) Evidence from the meeting at which the Advisory Board made its recommendation.

(2) Information identified in subdivision (a)(3) of this section.

(c) Charter School Requirements. – A charter school shall notify the parents of students enrolled in the charter school by electronic mail or the parents' preferred method of written communication within five days of receiving notice of any of the following:



(1) The Advisory Board has scheduled a public hearing on a proposed recommendation to terminate the charter, including details of the date, time, location, and how comments may be submitted.

(2) The State Board has scheduled a meeting to take final action on a recommendation to terminate the charter, including the date, time, and location of the meeting.

(3) The State Board's final action on a recommendation to terminate the charter.

(d) Exceptions. – The requirements of subsections (a) through (c) of this section shall not apply to an Advisory Board proposed or final recommendation or State Board final action to terminate the charter of a charter school based, in whole or in part, upon the grounds identified in G.S. 115C-218.95(a)(2) or (3). For actions on those grounds, the following shall be required:

(1) At least 20 days prior to scheduling a meeting to take final action on a recommendation to terminate the charter, the State Board shall notify the charter school of the date, time, and location of the meeting.

(2) A charter school shall notify the parents of students enrolled in the charter school by electronic mail or the parents' preferred method of written communication within five days of receiving notice required in subdivision (1) of this subsection, including details of the date, time, and location of the meeting.

(3) A charter school shall notify parents of students enrolled in the charter school by electronic mail or the parents' preferred method of written communication of the final action by the State Board at the scheduled meeting."

**SECTION 3.** G.S. 115C-218.100 is amended by adding a new subsection to read:

"(c) Within five days of passing a resolution to voluntarily dissolve, a charter school board of directors shall notify the parents of students enrolled in the charter school by electronic mail or the parents' preferred method of written communication of the decision and the time line for dissolution of the school."

**SECTION 4.** G.S. 115C-47 is amended by adding a new subdivision to read:

"(64) To Provide a Charter School Closure Impact Statement. – Within 30 days of a request by the State Board of Education pursuant to G.S. 115C-218.98(a)(3)e., a local board of education shall submit a statement on the capital impact a charter school closure would have on schools within the local school administrative unit."

**SECTION 5.** G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(25) The State Board of Education with respect to the disapproval, termination, or nonrenewal of charters under Article 14A of Chapter 115C of the General Statutes."

**SECTION 6.** Notwithstanding any other provision of law, this act shall apply to virtual charter schools authorized pursuant to Sec. 8.35 of S.L. 2014-100, as amended by Sec. 8.13 of S.L. 2016-94 and Sec. 7.13 of S.L. 2018-5. The charter of a pilot virtual charter school shall not be terminated prior to the end of the pilot unless the requirements of G.S. 115C-218.98, as enacted by this act, are fulfilled.

**SECTION 7.** This act is effective when it becomes law and applies to actions commenced to voluntarily dissolve, terminate, not renew, or materially revise a charter on or after July 1, 2019.





**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 354**

AMENDMENT NO. # 1(to be filled in by  
Principal Clerk)

Page 1 of 1

S354-ARQ-20 [v.1]

Amends Title [NO]

S354-CSRQ-16 [x.6]

Date June 25, 2019Representative Potts  
~~Hardister~~

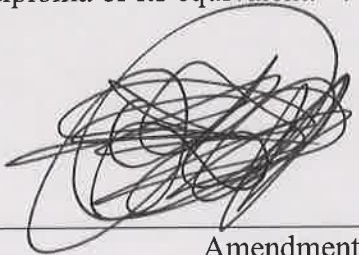
1 moves to amend the Proposed Committee Substitute on page 3, lines 26-27 by inserting the  
2 following between those lines:

3  
4 "SECTION 3.(g) G.S. 115C-564 reads as rewritten:

5 "§ 115C-564. Qualifications and requirements.

6 A home school shall make the election to operate under the qualifications of either  
7 Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except that any  
8 requirement related to safety and sanitation inspections shall be waived if the school operates in  
9 a private residence and except that testing requirements in G.S. 115C-549 and G.S. 115C-557  
10 shall be on an annual basis. A home school also shall be exempt from the requirements of G.S.  
11 115C-375.7. The persons providing academic instruction in a home school shall hold at least a  
12 high school diploma or its equivalent."  
13  
14

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

☒ FAILED

TABLED



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# SENATE BILL 621: Testing Reduction Act of 2019.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 25, 2019
<b>Introduced by:</b>	Sens. Tillman, Ballard, Sawyer	<b>Prepared by:</b>	Kara McCraw*
<b>Analysis of:</b>	PCS to Second Edition S621-CSTC-38		Committee Counsel

**OVERVIEW:** Senate Bill 621 would reduce the number of tests administered to students in public schools. The bill would eliminate the North Carolina Final Exams (NCFEs), require reporting on and reductions in local testing, and require a review of the third grade reading end-of-grade test to ensure alignment with the Read to Achieve alternative assessment.

*The PCS to SB 621 would also do the following:*

- Replace end-of-grade assessments (EOGs) with a "through-grade assessment model" similar to the NC Check-Ins.
- Replace end-of-course assessments (EOCs) with a nationally recognized assessment of high school achievement, such as the ACT or SAT.
- Prohibit graduation projects as a condition of graduation.
- Make various clarifying and technical changes.

## PART I: ELIMINATE NC FINAL EXAMS (NCFES)

**CURRENT LAW:** Under the terms of the now-expired federal Race to the Top grant, North Carolina had to provide a growth measure for every teacher in the State. Since growth measures require some type of standardized measure of student achievement, NCFEs were created to meet that requirement for courses that did not have an EOG or EOC. Under State Board Policy TEST-016, NCFEs are used to provide growth data for teachers of these courses. NCFEs are not currently required by State or federal law.

**BILL ANALYSIS:** Part I would eliminate the NC Final Exams.

**EFFECTIVE DATE:** Part I would be effective when it becomes law and would eliminate the NCFEs beginning with the 2019-2020 school year.

## PART II: REPLACE EOGs WITH THROUGH-GRADE ASSESSMENT MODEL

**CURRENT LAW:** Under G.S. 115C-174.11(c)(1), the State Board must adopt tests for grades three through 12 that are required by federal law or as a condition of a federal grant. These assessments must be administered in the last 10 days of yearlong courses and in the last 5 days of semester courses. For this purpose, the State Board adopted the EOGs and EOCs. Separate reading and math EOGs are administered in grades 3 through 8, and a science EOG is administered in grades 5 and 8.

Data from the EOGs are used to calculate a portion of the school performance scores and grades required by G.S. 115C-83.15, as well as satisfy federal accountability requirements under the Every Student Succeeds Act (ESSA).

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.

# Senate PCS 621

Page 2

**BILL ANALYSIS:** Part II of the bill would replace the EOGs with a through-grade assessment model, which would be administered as three shorter tests throughout the year rather than one long test at the end of the year. The final summative score would be determined by averaging the student's performance on at least two of the through-grade assessments.

**EFFECTIVE DATE:** Part II of the bill would be effective when it becomes law and would require the replacement of the EOGs with a through-grade assessment model beginning with the 2022-2023 school year.

## **PART III: REPLACE EOCs WITH A NATIONALLY RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE READINESS**

**CURRENT LAW:** Under G.S. 115C-174.11(c)(1), the State Board must adopt tests for grades three through 12 that are required by federal law or as a condition of a federal grant. These assessments must be administered in the last 10 days of yearlong courses and in the last 5 days of semester courses. For this purpose, the State Board adopted the EOGs and EOCs. EOCs are administered in the high school courses of Math I, English II, and Biology.

Data from the EOCs are used to calculate a portion of the school performance scores and grades required by G.S. 115C-83.15, as well as satisfy federal accountability requirements under the Every Student Succeeds Act (ESSA).

G.S. 115C-174.11(c)(4) requires the State Board to adopt a nationally norm-referenced college admissions test to make available to public schools to administer to all students in the eleventh grade unless the student has already taken a comparable test and scored at or above a level set by the State Board. Students can submit scores on this college admissions test to colleges as part of their application process. Additionally, data from this test are used to calculate the college readiness component of the school performance grades.

**BILL ANALYSIS:** Part III of the bill would replace the EOCs with a nationally recognized assessment of high school achievement or college readiness, such as the ACT or SAT. Instead of taking EOCs in Math I, English II, and Biology, student scores on the subject-specific portions of the nationally recognized assessment would be used to satisfy State and federal high school testing requirements.

**EFFECTIVE DATE:** The replacement of the EOCs with a nationally recognized assessment would be effective January 1, 2020, and would require the nationally recognized assessment beginning with the 2020-2021 school year. Corresponding changes to the school performance grade calculations would be effective January 1, 2021, and would apply beginning with school performance grades issued based on data from the 2020-2021 school year.

## **PART IV: PLAN TO REDUCE STANDARDIZED TESTING BY LOCAL SCHOOL ADMINISTRATIVE UNITS**

**CURRENT LAW:** Under G.S. 115C-174.11(d), the State Board cannot require public schools to administer any standardized tests except those otherwise required by State or federal law. However, local boards of education may require additional standardized assessments.

**BILL ANALYSIS:** Part IV of the bill would require local boards of education, every two years, to review local standardized testing requirements. If either the number of tests administered or the number of hours required for students to complete the tests is higher than the State average, the local board would be required to submit to the State Board and DPI a plan to put local testing in line with the State average. The State Board must waive this requirement if the local board has made significant progress toward reducing

# Senate PCS 621

Page 3

local testing. As part of its annual reporting to Joint Legislative Education Oversight Committee (JLEOC), the State Board would be required to provide a summary of these local plans.

The bill would also require the State Board to provide in its annual testing summary the average over the prior two-year period of (i) the number of tests administered and (ii) the number of hours required for students to complete the tests. The summary would be based on data reported by local boards of education under existing law.

**EFFECTIVE DATE:** Part IV would become effective when it becomes law and would apply beginning with reports issued in 2020 based on data from the 2019-2020 school year.

## **PART V: PROHIBIT GRADUATION PROJECTS AS A CONDITION OF GRADUATION**

**CURRENT LAW:** Under G.S. 115C-12(9d)b.2., the State Board cannot require that students complete a graduation project as a condition of graduation from high school. Local boards of education, however, can include such a condition.

**BILL ANALYSIS:** Part V of the bill would prohibit local boards of education from making graduation projects a condition of graduation.

**EFFECTIVE DATE:** Part V would be effective when it becomes law and would prohibit local boards of education from requiring graduation projects beginning with the 2019-2020 school year.

## **PART VI: EXAMINATION OF THIRD GRADE ENGLISH LANGUAGE ARTS ASSESSMENTS TO BETTER MEET GOALS OF READ TO ACHIEVE**

**CURRENT LAW:** Under Part 1A of Chapter 115C (Read to Achieve), students are required to demonstrate reading proficiency on a State-approved test of reading comprehension to be promoted from the third grade. Students may also be promoted if the student demonstrates reading proficiency through an alternate assessment approved by the State Board of Education.

**BILL ANALYSIS:** DPI would be required to study the third grade reading EOG to check for alignment with the Read to Achieve alternative assessment. Based on its examination, DPI would be required to modify the third grade reading assessment and report on those modifications by March 15, 2020, to the JLEOC.

**EFFECTIVE DATE:** Part VI would become effective when it becomes law.

*\*This summary was substantially contributed to by Brian Gwyn, Committee Counsel.*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 621  
Education/Higher Education Committee Substitute Adopted 4/17/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S621-CSTC-38 [v.4]  
06/24/2019 06:22:26 PM

Short Title: Testing Reduction Act of 2019.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO REDUCE TESTING ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS.  
3 The General Assembly of North Carolina enacts:  
4

5 **PART I: ELIMINATE NC FINAL EXAM**  
6

7 **SECTION 1.(a)** The State Board of Education shall eliminate the use of the NC  
8 Final Exam as part of the statewide testing program to assess teacher performance and  
9 professional growth. The NC Final Exam shall not be administered as part of the statewide testing  
10 program for any other purpose.

11 **SECTION 1.(b)** This section is effective when it becomes law and applies beginning  
12 with the 2019-2020 school year.  
13

14 **PART II. REPLACE EOGS WITH THROUGH-GRADE ASSESSMENT MODEL**  
15 **SIMILAR TO NC CHECK-INS**

16 **SECTION 2.(a)** The State Board of Education shall eliminate the use of  
17 End-of-Grade (EOG) tests for grades three through eight. The State Board shall adopt a policy  
18 to require administration of a through-grade assessment model with three interim assessments  
19 similar to NC Check-Ins in grades three through eight three times per school year as follows: The  
20 first through-grade assessment shall be administered no later than November 15, the second  
21 through-grade assessment shall be administered no later than the end of February, and the third  
22 through-grade assessment shall be administered within the final 10 instructional days of the  
23 school year for year-long courses and within the final five instructional days of the semester for  
24 semester courses. The average of the combined scores earned for at least two of the through-grade  
25 assessments shall constitute the annual assessment for grades three through eight, and all  
26 provisions of Subchapter IV of Chapter 115C of the General Statutes concerning annual  
27 assessments for grades three through eight shall apply to this averaged score.

28 In addition to making any necessary adjustments to currently developed  
29 through-grade assessments, the State Board shall develop through-grade assessments for science  
30 for grade five and grade eight and for reading for grade three. A third grade student who fails to  
31 demonstrate reading proficiency, as demonstrated by the averaged score of the relevant  
32 through-grade assessments for reading, may retake the third through-grade assessment for  
33 reading prior to the end of the school year, and the score of the readministered third through-grade  
34 assessment for reading may be used for the purpose of demonstrating reading proficiency.



\* S 6 2 1 - C S T C - 3 8 \*

1 Policies regarding participation in the NCEXTEND1 alternative assessment may be  
2 applied in the same manner as prior to the enactment of this act, and the State Board of Education  
3 may continue use of the NCEXTEND1 for students with disabilities, as appropriate.

4 The State Board of Education shall review existing testing security policies and shall  
5 revise them as necessary to provide for as secure a testing environment as required by federal  
6 law or as a condition of a federal grant. The State Board shall not require testing security  
7 measures in excess of those required for federal compliance.

8 **SECTION 2.(b)** G.S. 115C-81.36(b) reads as rewritten:

9 "(b) When advanced courses are offered in mathematics, any student scoring at a level  
10 ~~five on the end-of-grade or end-of-course test that denotes superior command of knowledge and~~  
11 ~~skills~~ for the mathematics course in which the student was most recently enrolled shall be  
12 enrolled in the advanced course for the next mathematics course in which the student is enrolled.  
13 A student in seventh grade scoring at a level five on the seventh-grade mathematics end-of-grade  
14 ~~test that denotes superior command of knowledge and skills~~ shall be enrolled in a high school  
15 level mathematics course in eighth grade. No student who qualifies under this subsection shall  
16 be removed from the advanced or high school mathematics course in which the student is enrolled  
17 unless a parent or guardian of the student provides written consent for the student to be excluded  
18 or removed from that course."

19 **SECTION 2.(c)** G.S. 115C-105.41(a) reads as rewritten:

20 "(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative  
21 units shall identify students who are at risk for academic failure and who are not successfully  
22 progressing toward grade promotion and graduation, beginning in kindergarten. Identification  
23 shall occur as early as can reasonably be done and can be based on grades, observations,  
24 diagnostic and formative assessments, State assessments, and other factors, including reading on  
25 grade level, that impact student performance that teachers and administrators consider  
26 appropriate, without having to await the results of ~~end-of-grade or end-of-course~~ State-mandated  
27 tests."

28 **SECTION 2.(d)** G.S. 115C-276(q) reads as rewritten:

29 "(q) To Assign School Principals. – Subject to local board policy, the superintendent shall  
30 have the authority to assign principals to school buildings. When making an assignment, the  
31 superintendent shall consider (i) whether a principal has demonstrated the leadership ability to  
32 increase student achievement at a school where conditions indicated a significant risk of low  
33 student performance; and (ii) how to maintain stability at a school where, during the time the  
34 principal has been at a school, there has been significant improvement on ~~end-of-course or~~  
35 ~~end-of-grade tests and other~~ accountability measures developed by the State Board of Education."

36 **SECTION 2.(e)** This section is effective when it becomes law and applies beginning  
37 with testing administered for the 2022-2023 school year.  
38

39 **PART III. REPLACE EOCS WITH THE ACT OR OTHER NATIONALLY**  
40 **RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE**  
41 **READINESS**

42 **SECTION 3.(a)** The State Board of Education shall eliminate use of End-of-Course  
43 (EOC) tests for grades nine through 12. The nationally recognized assessment of high school  
44 achievement and college readiness, or the alternate assessment, administered to all students in  
45 eleventh grade pursuant to G.S. 115C-174.11(c)(4), as amended by subsection (d) of this section,  
46 shall constitute the State-mandated testing in grades nine through 12 required by  
47 G.S. 115C-174.11(c)(1). Policies regarding participation in the NCEXTEND1 alternative  
48 assessment may be applied in the same manner as prior to the enactment of this act, and the State  
49 Board of Education may continue the use of the NCEXTEND1 for students with disabilities, as  
50 appropriate.

51 **SECTION 3.(b)** G.S. 115C-83.15(b)(2) reads as rewritten:

- 1           "(2) For schools serving any students in ninth through twelfth grade, the State  
2 Board shall assign points on the following measures available for that school:  
3           a. One point for each percent of students who score at or above proficient  
4 on ~~either the Algebra I or Integrated Math I end-of-course test or, for~~  
5 ~~students who completed Algebra I or Integrated Math I before ninth~~  
6 ~~grade, another mathematics course with an end-of-course test.~~ the math  
7 subtest of a nationally recognized assessment of high school  
8 achievement and college readiness.  
9           b. One point for each percent of students who score at or above proficient  
10 on ~~the English II end-of-course test.~~ the reading subtest of a nationally  
11 recognized assessment of high school achievement and college  
12 readiness.  
13           c. One point for each percent of students who score at or above proficient  
14 on ~~the Biology end-of-course test.~~ science subtest or the science subject  
15 test of a nationally recognized assessment of high school achievement  
16 and college readiness.  
17           d. One point for each percent of students who complete Algebra II or  
18 Integrated Math III with a passing grade.  
19           e. One point for each percent of students who achieve the minimum score  
20 required for admission into a constituent institution of The University  
21 of North Carolina on a nationally normed test of college readiness.  
22           f. One point for each percent of students enrolled in Career and  
23 Technical Education courses who meet the standard when scoring at  
24 Silver, Gold, or Platinum levels on a nationally normed test of  
25 workplace readiness.  
26           g. One point for each percent of students who graduate within four years  
27 of entering high school.  
28           h. One point for each percent of students who progress in achieving  
29 English language proficiency."

30 **SECTION 3.(c) G.S. 115C-83.16(a)(2) reads as rewritten:**

- 31           "(2) For schools serving any students in ninth through twelfth grade, the State  
32 Board shall define the indicators as follows:  
33           a. Academic indicators. –  
34               1. The academic achievement indicator shall include the  
35 following measures:  
36               I. Proficiency on ~~either the Algebra I or Integrated Math~~  
37 ~~I end-of-course test or, for students who completed~~  
38 ~~Algebra I or Integrated Math I before ninth grade,~~  
39 ~~another mathematics course with an end-of-course~~  
40 ~~test.~~ the math subtest of a nationally recognized  
41 assessment of high school achievement and college  
42 readiness.  
43               II. Proficiency on ~~the English II end-of-course test.~~ reading  
44 subtest of a nationally recognized assessment of high  
45 school achievement and college readiness.  
46               III. The growth score earned by schools.  
47               2. Repealed by Session Laws 2017-206, s. 1(b), effective August  
48 30, 2017, and applicable beginning with the 2017-2018 school  
49 year.

3. The graduation rate indicator shall be the percentage of students who graduate within four years of entering high school.
4. The English language proficiency indicator shall be the percentage of students who progress in achieving English language proficiency.
- b. School quality and student success indicator. – The school quality and student success indicator shall be made up of the following measures:
  1. Proficiency on the ~~Biology end-of-course test~~ science subtest of a nationally recognized assessment of high school achievement and college readiness.
  2. The percentage of students who complete Algebra II or Integrated Math III with a passing grade.
  3. The percentage of students who achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness.
  4. The percentage of students enrolled in Career and Technical Education courses who meet the standard when scoring at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness."

**SECTION 3.(d)** G.S. 115C-174.11(4) reads as rewritten:

"(4) ~~To the extent funds are made available, the~~ The State Board of Education shall use a competitive bid process to adopt one ~~nationally norm-referenced college admissions test~~ nationally recognized assessment of high school achievement and college readiness to make available to local school administrative units, regional schools, and charter schools to administer to all ~~students in the eleventh grade unless the student has already taken a comparable test and scored at or above a level set by the State Board.~~ students. The State Board of Education shall require the administration of an alternate to the ~~nationally norm-referenced college admissions test~~ nationally recognized assessment of high school achievement and college readiness or an alternate precursor test to the ~~nationally norm-referenced college admissions test~~ nationally recognized assessment of high school achievement and college readiness to a student who (i) exhibits severe and pervasive delays in all areas of conceptual, linguistic, and academic development and in adaptive behaviors, including communication, daily living skills, and self care, (ii) is following the extended content standards of the Standard Course of Study as provided in G.S. 115C-81.5, or is following a course of study that, upon completing high school, may not lead to admission into a college-level course of study resulting in a college degree, and (iii) has a written parental request for an alternate assessment in accordance with federal law.

The State Board of Education shall ensure that parents of students enrolled in all public schools, including charter and regional schools, have the necessary information to make informed decisions regarding participation in the ~~nationally norm-referenced college admissions test and precursor test.~~

Alternate assessment results and ~~nationally norm-referenced college admissions test assessment~~ nationally recognized assessment of high school achievement and college readiness results of students with disabilities shall be included in school accountability reports, including charter and regional schools, provided by the State Board of Education."

**SECTION 3.(e)** G.S. 116-11(10a) reads as rewritten:

"(10a) The Board of Governors, the State Board of Community Colleges, and the State Board of Education, in consultation with nonprofit postsecondary educational institutions shall plan a system to provide an exchange of information among the public schools and institutions of higher education to be implemented no later than June 30, 1995. As used in this section, "institutions of higher education" shall mean (i) public higher education institutions defined in G.S. 116-143.1(a)(3), and (ii) those nonprofit postsecondary educational institutions as described in G.S. 116-280 that choose to participate in the information exchange. The information shall include:

- a. The number of high school graduates who apply to, are admitted to, and enroll in institutions of higher education;
- b. College performance of high school graduates for the year immediately following high school graduation including each student's: need for remedial coursework at the institution of higher education that the student attends; performance in standard freshmen courses; and continued enrollment in a subsequent year in the same or another institution of higher education in the State;
- c. The progress of students from one institution of higher education to another; and
- d. Consistent and uniform public school course information including course code, name, and description.

The Department of Public Instruction shall generate and the local school administrative units shall use standardized transcripts in an automated format for applicants to higher education institutions. The standardized transcript shall include grade point average, class rank, ~~end-of-course test scores, scores~~ from the nationally recognized assessment of high school achievement and college readiness administered pursuant to G.S. 115C-174.11(c), and uniform course information including course code, name, units earned toward graduation, and credits earned for admission from an institution of higher education. The grade point average and class rank shall be calculated by a standard method to be devised by the institutions of higher education."

**SECTION 3.(f)** Subsections 3(a) and 3(d) of this section become effective January 1, 2020, and apply beginning with testing administered for the 2020-2021 school year. Subsections 3(b) and 3(c) of this section become effective January 1, 2021, and apply beginning with school performance grades issued based on data from the 2020-2021 school year. Subsection 3(e) of this section becomes effective July 1, 2020, and applies beginning with students entering their junior year in the 2020-2021 school year.

#### **PART IV. PLAN TO REDUCE STANDARDIZED TESTING BY LOCAL SCHOOL ADMINISTRATIVE UNITS**

**SECTION 4.(a)** G.S. 115C-174.12 reads as rewritten:**"§ 115C-174.12. Responsibilities of agencies.**

...

(d1) In each even-numbered year, each local board of education shall review all local standardized testing administered to students by the local school administrative unit at the direction of the local board of education for the prior two school years, in order to determine the number of tests administered to students and the number of hours required for students to complete the tests. If the average over the prior two-year period of either (i) the number of tests

administered or (ii) the number of hours required for students to complete the tests exceeds the State average over the prior two-year period, as published pursuant to subsection (e1) of this section, the local board of education shall submit to the Department of Public Instruction and the State Board of Education, by October 1 of the even-numbered year, a plan to eliminate certain local standardized testing in order to ensure that neither the number of tests nor the number of hours required for students to complete the tests exceeds the State average. The State Board of Education shall waive the requirement that a local board develop and submit a plan if the State Board finds that the local board has made significant progress toward reducing local testing to the State average.

(e) By November 1 of each year, the State Board of Education shall submit a report to the Joint Legislative Education Oversight Committee containing information regarding the statewide administration of the testing program, including the number and type of tests and the testing schedule, and a summary of any local testing programs reported by local boards of education to the State Board of Education in accordance with subsection (d) of this section. The report shall also include a summary of any local plans provided to the State Board in accordance with subsection (d1) of this section.

(e1) By September 1 of each year, the Superintendent of Public Instruction shall publish on the Web site of the Department of Public Instruction the following:

(1) ~~a~~ A uniform calendar that includes schedules for State-required testing and reporting results of tests for at least the next two school years, including estimates of the average time for administering State-required standardized tests. The uniform calendar shall be provided to local boards of education in an electronic format that allows each local board of education to populate the calendar with, at a minimum, the information required by subsection (d) of this section. The uniform calendar shall be searchable by local school administrative unit and denote whether a test on the calendar is required by the State or required by a local board of education.

(2) For the local standardized testing information populated by local boards of education under subdivision (1) of this subsection, a summary of the nature and extent of the local testing, including the average over the prior two-year period of (i) the number of tests administered and (ii) the number of hours required for students to complete the tests."

**SECTION 4.(b)** This section applies beginning with reports issued in 2020 based on data from the 2019-2020 school year.

## **PART V. PROHIBIT GRADUATION PROJECTS AS A CONDITION OF GRADUATION**

**SECTION 5.(a)** G.S. 115C-12(9d) reads as rewritten:

"(9d) Power to Develop Exit Standards and Graduation Requirements. –

...  
b. The following restrictions apply to the Board regarding Algebra I and high school graduation projects:

...  
2. The Board shall not require any student to prepare a high school graduation project as a condition of graduation from high school; local boards of education may, however, require their students to complete a high school graduation project.school."

**SECTION 5.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

"(54a) To ensure that graduation is not conditioned on a graduation project. – A student shall not be required to complete a high school graduation project as

a condition of graduation from high school. Requirements for graduation shall be connected only to the completion of required courses."

**SECTION 5.(c)** This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

**PART VI: EXAMINATION OF THIRD GRADE ENGLISH LANGUAGE ARTS ASSESSMENTS TO BETTER MEET GOALS OF READ TO ACHIEVE**

**SECTION 6.** The Department of Public Instruction shall examine the End-of-Grade English Language Arts assessment administered in third grade as compared to the Read to Achieve alternative assessment in order to determine whether the End-of-Grade English Language Arts assessment should be modified to better meet the goals of Read to Achieve, pursuant to Part 1A of Article 8 of Chapter 115C of the General Statutes. Based on its examination, the Department shall develop any modifications needed. No later than March 15, 2020, the Department shall report to the Joint Legislative Education Oversight Committee on the results of its examination and any modifications developed.

**PART VII. EFFECTIVE DATE**

**SECTION 7.** Except as otherwise provided, this act is effective when it becomes law.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 621  
Education/Higher Education Committee Substitute Adopted 4/17/19

Short Title: Testing Reduction Act of 2019.

(Public)

Sponsors:

Referred to:

April 4, 2019

A BILL TO BE ENTITLED

AN ACT TO REDUCE TESTING ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Beginning with the 2020-2021 school year, the State Board of Education shall eliminate the use of the NC Final Exam as part of the statewide testing program to assess teacher performance and professional growth. The NC Final Exam shall not be administered as part of the statewide testing program for any other purpose. No later than March 15, 2020, the State Board of Education and the Department of Public Instruction shall submit to the Joint Legislative Education Oversight Committee a plan on how to use other means to accomplish the purposes for which data is collected by the NC Final Exam.

**SECTION 2.(a)** G.S. 115C-174.12 reads as rewritten:

**"§ 115C-174.12. Responsibilities of agencies.**

...

(d1) In each even-numbered year, each local board of education shall review all local standardized testing administered to students by the local school administrative unit at the direction of the local board of education for the prior two school years, in order to determine the number of tests administered to students and the number of hours required for students to complete the tests. If the average over the prior two-year period of either (i) the number of tests administered or (ii) the number of hours required for students to complete the tests exceeds the State average over the prior two-year period, as published pursuant to subsection (e1) of this section, the local board of education shall submit to the Department of Public Instruction and the State Board of Education, by October 1 of the even-numbered year, a plan to eliminate certain local standardized testing in order to ensure that neither the number of tests nor the number of hours required for students to complete the tests exceeds the State average. The State Board of Education shall waive the requirement that a local board develop and submit a plan if the State Board finds that the local board has made significant progress toward reducing local testing to the State average.

(e) By November 1 of each year, the State Board of Education shall submit a report to the Joint Legislative Education Oversight Committee containing information regarding the statewide administration of the testing program, including the number and type of tests and the testing schedule, and a summary of any local testing programs reported by local boards of education to the State Board of Education in accordance with subsection (d) of this section. The report shall also include a summary of any local plans provided to the State Board in accordance with subsection (d1) of this section.

(e1) By September 1 of each year, the Superintendent of Public Instruction shall publish on the Web site of the Department of Public Instruction the following:



\* S 6 2 1 - V - 2 \*

(1) ~~a~~-A uniform calendar that includes schedules for State-required testing and reporting results of tests for at least the next two school years, including estimates of the average time for administering State-required standardized tests. The uniform calendar shall be provided to local boards of education in an electronic format that allows each local board of education to populate the calendar with, at a minimum, the information required by subsection (d) of this section. The uniform calendar shall be searchable by local school administrative unit and denote whether a test on the calendar is required by the State or required by a local board of education.

(2) For the local standardized testing information populated by local boards of education under subdivision (1) of this subsection, a summary of the nature and extent of the local testing, including the average over the prior two-year period of (i) the number of tests administered and (ii) the number of hours required for students to complete the tests."

**SECTION 2.(b)** This section applies beginning with reports issued in 2020 based on data from the 2019-2020 school year.

**SECTION 3.** The Department of Public Instruction shall examine the End-of-Grade English Language Arts assessment administered in third grade as compared to the Read to Achieve alternative assessment in order to determine whether the End-of-Grade English Language Arts assessment should be modified to better meet the goals of Read to Achieve, pursuant to Part 1A of Article 8 of Chapter 115C of the General Statutes. Based on its examination, the Department shall develop any modifications needed. No later than March 15, 2020, the Department shall report to the Joint Legislative Education Oversight Committee on the results of its examination and any modifications developed.

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

**House Committee on Education - K-12**  
**Wednesday, July 10, 2019 at 11:00 AM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 11:00 AM on July 10, 2019 in Room 643 of the Legislative Office Building. Representatives Jeffrey Elmore, Craig Horn, Linda Johnson, Hugh Blackwell, Cynthia Ball, Chaz Beasley, Scott Brewer, Ashton Clemmons, Kevin Corbin, Susan Fisher, John Fraley, James Gailliard, Rosa Gill, Charles Graham, Jon Hardister, Frank Iler, Donny Lambeth, Marvin Lucas, Jeffrey McNeely, Larry Potts, Kandie Smith, Larry Strickland, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 11:04 AM and introduced the Sergeant-At-Arms who would be assisting with the committee and recognized the pages. Copies of the attendance and visitor registration are attached to these minutes (Attachments 1-4).

The following bills were considered:

**SB 438, Excellent Public Schools Act of 2019.** (Primary Sponsor: Senator Berger), (Attachments 5-6)

Representative Horn announced there was a PCS for **SB 438, Excellent Public Schools Act of 2019.** (Attachment 7) There was no objection to the PCS. Representative Horn recognized Senator Ballard to explain the bill. The 2<sup>nd</sup> edition of the bill would make various changes to the North Carolina Read to Achieve Program, including the following: Establish individual reading plans; Establish a Digital Children's Reading Initiative; Establish a Comprehensive Plan to Improve Literacy Instruction; Require the NC Center for the Advancement of Teaching to prioritize and provide aligned professional development in early learning and literacy instruction; Require educator preparation programs to provide literacy training in programs for elementary education teachers; Require the literacy curriculum and instruction provided by local school administrative units to align with Read to Achieve and the Comprehensive Plan; Require approval of plans for local reading camps; Study phasing out some alternative assessments for third grade reading; Create a uniform reporting structure for Read to Achieve data; Provide for continuing education credits related to literacy for certain reading camp instructors and allow certain retired teachers to serve as reading camp instructors; and Expand the Wolfpack WORKS program. The PCS to the 2<sup>nd</sup> edition of SB 438 would make technical changes to correct typographical errors.

Senator Ballard recognized 2 individuals that attended the committee to comment on the bill. They were: Alan Duncan, Vice Chairman of the State Board of Education and Brock Womble, Executive Director for the North Carolina Center for the Advancement of Teaching.

Representative Iler asked if this bill received a strong vote in the Senate and if there was a fiscal note. Representative Iler commented that since there wasn't a fiscal note, he assumed the State Board and the Superintendent have said they could absorb this without additional funds. Representative Iler asked a question about the assessments. Tara Galloway, K-3 Literacy Director,



was recognized to respond. Representative Blackwell commented on over testing and over assessment and suggested that we not be too opposed to testing that we don't have our instructors adjusting their instruction as they go forward to meet children's individual needs. Representative Blackwell commented that one of the opportunities with NCCAT and the requirements with preparation programs is that teachers need to be prepared in this process of individual assessments frequently, as they go through the year, so the instruction can be adjusted. Representative Blackwell also commented that he was concerned that we are still not dealing with reading and literacy in the upper grades. Representative Lucas commended those involved in the process. Representative Ball asked about the resources within our schools to implement. Representative Graham shared his concern with progress and that we need to emphasize the individual reading plan.

Representative Corbin was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

**SB 5, School Safety Omnibus.** (Primary Sponsors: Senators Brown, Harrington, and Krawiec), (Attachments 8-9)

Representative Horn announced there was a PCS for **SB 5, School Safety Omnibus**. (Attachment 10) There was no objection to the PCS. Representative Horn recognized Representative White to explain the bill. The PCS would remove the contents of the 2<sup>nd</sup> edition of that bill, and would replace it entirely with the following: Establish that school safety requirements apply to all public schools, and encourage non-public schools to participate in school safety plans; Clarify the powers and duties of the Center for Safer Schools; Require county boards of education to develop county state of emergency plans for all public school units in the county; Define the term "school resource officer" and require training for SROs; and Require annual vulnerability assessments for each public school building.

Representative Horn stated there was an amendment by Representative Ball, S5-ATC-64 [v.1], (Attachment 11) and recognized Representative Ball to explain the amendment. Representative Ball said the amendment language would encourage and ensure school personnel know how to properly engage SROs. Representative Horn asked for a vote, the amendment passes.

Representative Elmore was recognized for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

**SB 476, Compt-Based Assess. & Mental Hlth/Teen Viol.** (Primary Sponsors: Senators Horner, Tillman, and Ballard), (Attachments 12-13)

Representative Elmore announced there was a PCS for **SB 476, Compt-Based Assess. & Mental Hlth/Teen Viol**. (Attachment 14) There was no objection to the PCS. Representative Elmore recognized Representative Horn to explain the bill. The PCS removes the content of the bill and replaces it with the contents of HB 714, Competency-Based Assessments, and HB 434, Suicide



Risk Ref./Mental Health/Teen Violence. The PCS would: Direct the SBE to recommend how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State and Require public-school units (local boards of education, charter schools, regional schools, innovative schools, laboratory schools, and the renewal school system school) to: (i) adopt and implement a suicide-risk referral protocol, (ii) adopt a mental health training program; and (iii) adopt a policy against teen dating and violence.

Representative Elmore stated there was an amendment by Representative Horn, S476-ARQ-21 [v.2], (Attachment 15) and recognized Representative Horn to explain the amendment. Representative Horn said it was a technical amendment. Representative Elmore asked for a vote, the amendment passes.

Representative Lambeth asked if any other state is doing competency-based assessments. Representative Iler asked if this was a study or would it resemble students skipping a grade.

Representative Hardister was recognized for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and an unfavorable report to the original bill with a referral to Rules. Representative Elmore asked for a vote and the motion passed.

**SB 301, Regional School Modifications.** (Primary Sponsor: Senator Brown), (Attachments 16-17)

Representative Horn announced there was a PCS for **SB 301, Regional School Modifications.** (Attachment 18) There was no objection to the PCS. Representative Horn recognized Drupti Chauhan, Legislative Analysis, to explain the bill. The 1<sup>st</sup> edition would remove the date for the Joint Legislative Education Oversight Committee to make recommendations to the General Assembly regarding a withdrawal process for participating units from a regional school, and direct that the transportation provided to students in regional schools continue in a substantially similar way as provided in the 2018-2019 school year. The PCS would remove the contents of the 1<sup>st</sup> edition and would create a withdrawal process for participating units from a regional school.

Representative Horn recognized Hal Davis, Principal of the Northeast Regional School of Biotechnology and Agriscience to comment on the bill.

Representative Fisher mentioned a concern raised by a School Board attorney that if a regional school board withdrew, that they might open themselves up to a lawsuit for breach of fiduciary duty and if there was any way to protect the School Board. Representative Beasley asked if there are any schools or School Boards that are requesting to withdraw. Representative Smith asked about the review process and the withdrawal process. Representative Fisher wanted to know what would happen if a regional school was denied the ability to withdraw.

Representative Elmore was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.





**SB 522, Low-Performing Schools.** (Primary Sponsor: Senator Tillman), (Attachments 19-20)

Representative Horn announced there was a PCS for **SB 522, Low-Performing Schools.** (Attachment 21) There was no objection to the PCS. Representative Horn recognized Representative Elmore to explain the bill. The 3<sup>rd</sup> edition would make various changes to charter school laws. The PCS would delete the contents of SB 522 and instead do the following: Change the selection process for schools in the Innovative School District (ISD); Made additional changes to the ISD statutes; Require additional reporting by local boards of education to county commissioners on the academic performance of certain schools; and Require additional study on changes to the ISD and statutes related to low-performing schools.

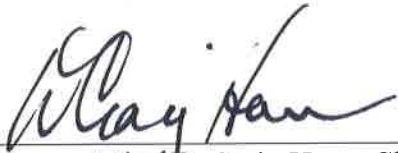
Representative Horn stated there was an amendment by Representative Johnson, S522-ATC-62 [v.1], (Attachment 22) and recognized Representative Johnson to explain the amendment. Representative Johnson said the amendment added the word "may". Representative Horn asked for a vote, the amendment passes.

Representative Horn stated there was an amendment by Representative Clemmons, S522-ABE-40 [v.3], (Attachment 23) and recognized Representative Clemmons to explain the amendment. Representative Clemmons said her amendment takes the process of qualifying back to the three years the House passed originally. Representative Elmore said there were positives and negatives to the amendment. Representative Fisher asked if the committee could hear from someone with the North Carolina School Boards Association. Leanne Winner, North Carolina School Boards Association, asked for support of the amendment. Representative Horn asked for a vote, the amendment passes.

Representative Horn stated there was an amendment by Representative Ball, S522-ABE-39 [v.2], (Attachment 24) and recognized Representative Ball to explain the amendment. Representative Ball asked if Brian Gwyn, Legislative Analysis, could explain her amendment. Brian Gwyn, Legislative Analysis, said the amendment would remove the word "annually." Representative Elmore said he did not support the amendment at this time. Representative Horn asked for a vote, the amendment fails.

Representative Elmore was recognized for a motion for a favorable report to the PCS as amended, rolled into a new PCS, with a favorable report to the new committee substitute and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

The meeting adjourned at 12:05 PM.



Representative D. Craig Horn, Chair  
Presiding



Erin Wilson, Committee Clerk

Legend

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms and Pages
4. Visitor Registration
5. SB 438 Summary
6. SB 438 Edition 2
7. PCS S438-CSBN-33 [v.1]
8. SB 5 Summary
9. SB 5 Edition 2
10. PCS S5-CSTC-42 [v.2]
11. Amendment S5-ATC-64 [v.1]
12. SB 476 Summary
13. SB 476 Edition 2
14. PCS S476-CSRQ-18 [v.3]
15. Amendment S476-ARQ-21 [v.2]
16. SB 301 Summary
17. SB 301 Edition 1
18. PCS S301-CSTC-41 [v.4]
19. SB 522 Summary
20. SB 522 Edition 3
21. PCS S522-CSTC-45 [v.1]
22. Amendment S522-ATC-62 [v.1]
23. Amendment S522-ABE-40 [v.3]
24. Amendment S522-ABE-39 [v.2]



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, July 9, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn is presiding.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 438</u>	Excellent Public Schools Act of 2019.	Senator Berger
<u>SB 522</u>	Various Changes to Charter School Laws.	Senator Tillman
<u>SB 5</u>	Building North Carolina's Future.	Senator Brown Senator Harrington Senator Krawiec

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:41 AM on Tuesday, July 02, 2019.

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

Erin Wilson (Committee Assistant)



Updated #1: Bills Added

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, July 9, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn is presiding.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 438</u>	Excellent Public Schools Act of 2019.	Senator Berger
<u>SB 522</u>	Various Changes to Charter School Laws.	Senator Tillman
<u>SB 5</u>	Building North Carolina's Future.	Senator Brown Senator Harrington Senator Krawiec
<u>SB 301</u>	Regional School Transportation.	Senator Brown
<u>SB 476</u>	Reaffirm Local Control of Discipline Policies.	Senator Horner Senator Tillman Senator Ballard

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:45 AM on Monday, July 08, 2019.

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

Erin Wilson (Committee Assistant)





**Updated #2: Date and Time Change**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Wednesday, July 10, 2019  
**TIME:** 11:00 AM  
**LOCATION:** 643 LOB  
**COMMENTS:** Representative Horn is presiding.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 438</u>	Excellent Public Schools Act of 2019.	Senator Berger
<u>SB 522</u>	Various Changes to Charter School Laws.	Senator Tillman
<u>SB 5</u>	Building North Carolina's Future.	Senator Brown Senator Harrington Senator Krawiec
<u>SB 301</u>	Regional School Transportation.	Senator Brown
<u>SB 476</u>	Reaffirm Local Control of Discipline Policies.	Senator Horner Senator Tillman Senator Ballard

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:06 PM on Tuesday, July 09, 2019.

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

Erin Wilson (Committee Assistant)



**House Committee on Education - K-12**  
**Wednesday, July 10, 2019, 11:00 AM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 438	Excellent Public Schools Act of 2019.	Senator Berger
SB 522	Various Changes to Charter School Laws.	Senator Tillman
SB 5	Building North Carolina's Future.	Senator Brown Senator Harrington Senator Krawiec
SB 301	Regional School Transportation.	Senator Brown
SB 476	Reaffirm Local Control of Discipline Policies.	Senator Horner Senator Tillman Senator Ballard



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**SB 5**

Building North Carolina's Future.

Draft Number: S5-PCS45338-TC-42

Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: White

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

**SB 476 (CS#1)**

Reaffirm Local Control of Discipline Policies.

Draft Number: S476-PCS45339-RQ-18

Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Horn

TOTAL REPORTED: 2



\* C M R 7 3 6 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

<b>SB 301</b>	Regional School Transportation.
	Draft Number: S301-PCS15389-TC-41
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: Yes
	Floor Manager: Elmore

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

<b>SB 438 (CS#1)</b>	Excellent Public Schools Act of 2019.
	Draft Number: S438-PCS35331-BN-33
	<b>Serial Referral: RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Horn

**TOTAL REPORTED: 2**



\* C M R 7 3 2 - V - 1 \*





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

**SB 522 (CS#1)**

Various Changes to Charter School Laws.

Draft Number: S522-PCS45341-BE-30

**Serial Referral: RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Elmore

TOTAL REPORTED: 1



★ C M R 7 3 8 - V - 1 ★



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES																			
	7/10																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	✓																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	-																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody	-																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	-																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Cody Henson	-																		
Rep. Frank Iler	✓																		
Rep. Donny Lambeth	✓																		
Rep. Marvin Lucas	✓																		
Rep. Jeffrey McNeely	✓																		



DATES	7/10/14																
Rep. Graig Meyer	-																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	-																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	



Committee Sergeants at Arms

House Education K-12

NAME OF COMMITTEE

DATE: 07/10/2019

Room: 643 LOB

House Sgt-At Arms:

1. Name: David Linthicum
2. Name: Bill Moore
3. Name: Jim Moran
4. Name: Terry McCraw
5. Name:

Senate Sgt-At Arms:

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





**House Pages  
Assignments  
Wednesday, July 10, 2019  
Session: 2:00 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Education - K-12	643	11:00 AM	Ryan Compton		Rep. Donna McDowell White
			Luke Fountain		Rep. Mitchell S. Setzer
			Brandon Pedraza- Ramirez		Rep. John Sauls
			Mary Stokes		Rep. Cynthia Ball
<b>Rules, Calendar, and Operations of the House</b>	1228/1327	12:00 PM	Jackson Buttler		Rep. Joe John
			Macy Henson		Rep. Pat B. Hurley
			Benjamin Martin		Rep. Larry C. Strickland
			Zebulon Penland		Rep. John Ager
			Mary Policastro		Speaker Tim Moore
			Ryan Stoots		Rep. George G. Cleveland
Elections/Ethics	1228/1327	1:00 PM	Tucker Clark		Rep. Mitchell S. Setzer
			Luke Fountain		Rep. Mitchell S. Setzer
			Fiona Newberry		Rep. C. Ray Russell
			Mary Stokes		Rep. Cynthia Ball



# VISITOR REGISTRATION SHEET

House Com K-12

07/00/19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Marty Alm	Sr H: (1)
Kevin Wilkins	NCDPI
David Crawford	AIANC
April Neumann	muc
Harry Kph	muc
Zane Stilwell	TSC
Richard Bortie	NC BA



# VISITOR REGISTRATION SHEET

House Com K-12

07/20/19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rachel Bealier	PRBLan
Elizabeth Yelverton	NCASA
Katherine Joyce	NCASA
M Brock Umble	NCCAT
Betty Doster	UNC Charlotte
Amey Auth	UNC-Chapel Hill
Kelle Hatcher	CFTF
Tom West	NCIHA
Adam Pridmore	ncree
Andy Chase	KMA
Bruce Mldewnt	NCSSA



## VISITOR REGISTRATION SHEET

House Com K-12

07/00/19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

James NORMENT	Ward and Smith PA
Hal Davis	VERSTA
Shelly Parkerson	Parkinson Row
JASON JOYNER	New FRAME
Lee Tingen	TAG
DAVE MACHAHO	NC DPI
Curtis Sonneman	NCDPI
Leanne Wynn	NC3BA
Mary Shuping	NCCS
Jon Zaks	PSG
Clara Shumaker	garcia





## VISITOR REGISTRATION SHEET

House Com K-12

07/28/19

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

B yang

NC 034

Dodie Rerfer

Nelson Mullins

Austin Powell

## UML system



## VISITOR REGISTRATION SHEET

House Com K-12

07/20/19



Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

	
Lexi Arthur	CRMC
Amanda Donovan	KTS
Matt Ellinwood	NCSC
Ed Tulp	BP
Josiah Harrison	HCDTSEA
Sarah Patterson	WMA
Merisha Evans	DRNC
Anne Murtha	SBE
Alan Duncan	SBE
George Smith	NP



# VISITOR REGISTRATION SHEET

House Com K-12

07/20/19

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ashlee Page	Nathan Page
[Signature]	[Signature]
[Signature]	NP
Mark Bonds	OSBM.
Karson Nelson	NCDPI
Wade Butner	NCDPI
Joe Maimone	NCDPI
NATHAN MAUNE	NCDPI
Lynn Harvey	NCDPI
Matt Hoskins	NCDPI
Sherry Thomas	NCDPI
Clare Kilmartin	Office of the Gov.





## SENATE BILL 438: Excellent Public Schools Act of 2019.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	July 9, 2019
<b>Introduced by:</b>	Sen. Berger	<b>Prepared by:</b>	Samantha Yarborough*
<b>Analysis of:</b>	PCS to Second Edition S438-CSBN-33		Staff Attorney

---

**OVERVIEW:** *SB 438 would make various changes to the North Carolina Read to Achieve Program, including the following:*

- *Establish individual reading plans.*
- *Establish a Digital Children's Reading Initiative.*
- *Establish a Comprehensive Plan to Improve Literacy Instruction (Comprehensive Plan).*
- *Require the North Carolina Center for the Advancement of Teaching (NCCAT) to prioritize and provide aligned professional development in early learning and literacy instruction.*
- *Require educator preparation programs to provide literacy training in programs for elementary education teachers.*
- *Require the literacy curriculum and instruction provided by local school administrative units to align with Read to Achieve and the Comprehensive Plan.*
- *Require approval of plans for local reading camps.*
- *Study phasing out some alternative assessments for third grade reading.*
- *Create a uniform reporting structure for Read to Achieve data.*
- *Provide for continuing education credits related to literacy for certain reading camp instructors and allow certain retired teachers to serve as reading camp instructors.*
- *Expand the Wolfpack WORKS program.*

**The PCS to the 2nd Edition of SB 438 would make technical changes to correct typographical errors.**

**CURRENT LAW:** Part 1A of Article 8 of Chapter 115C of the General Statutes establishes the NC Read to Achieve Program (RtA). The program requires the State Board of Education (SBE) to create a comprehensive plan for reading achievement. All students entering kindergarten are required to receive a developmental screening in early language, literacy, and math skills, and students in grades K-3 must be assessed with valid, reliable, formative and diagnostic reading assessments. These assessments are to be used to identify and provide assistance to students reading below grade level, including optional reading camps. Students are retained in the third grade if they do not demonstrate reading proficiency on the third grade standardized test of reading comprehension, but may be promoted if the student qualifies under certain exemptions or if the student demonstrates reading comprehension on an alternative assessment.

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.*

# Senate PCS 438

Page 2

RtA requires specific interventions for students retained in third grade, including the option of a reading camp, accelerated reading classes or transitional third-fourth grade classes, and the possibility of mid-year promotion upon demonstration of reading comprehension.

**BILL ANALYSIS:** SB 438 would make the following changes related to RtA.

## **Part II: Establish Individual Reading Plans and a Digital Children's Reading Initiative**

Sec. 2(a) would require K-3 students to receive high-quality core reading instruction, and require universal screening measures for literacy. Students identified as below grade level would receive an Individual Reading Plan (IRP) based on the initial diagnostics conducted each semester of the school year. The IRP would identify (i) specific reading deficiencies, (ii) goals and benchmarks for success, (iii) means to monitor progress and specific interventions for the students, (iv) the evidence-based reading instructional programming that will be implemented, and (v) any additional services provided. The student's parent would be given notice regarding the IRP, including specific strategies to assist the student, encouragement to use strategies at home, and direction to literacy resources. Parents would be encouraged to enroll students in grades 1 and 2 with deficits in critical reading skills in reading camps.

Sec. 2(b) would require the Department of Public Instruction (DPI) to develop a Digital Children's Reading Initiative (Initiative) that provides selected links via the Department's Web site to high-quality resources for families categorized by skill deficiency and grade level. The Initiative would include access to home activities, printables, and games on various literacy skills appropriate to the student's grade level. The Initiative would be disseminated to local school administrative units (LEAs) by January 15, 2020. Each LEA would make the resources available prominently on the LEA's Web site by July 1, 2020, and may add additional high-quality resources. Printables would also be provided in hard copy to students without Internet access at home.

## **Part III: Comprehensive Plan to Improve the Delivery of Literacy Instruction in the North Carolina Public Schools**

Sec. 3(a) would require the Superintendent of Public Instruction to convene a task force with members of the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the North Carolina Independent Colleges and Universities, the SBE, and the Professional Educator Preparation and Standards Commission, or their designees, to develop a Comprehensive Plan to Improve Literacy Instruction (Comprehensive Plan). The Comprehensive Plan would establish clear goals to ensure literacy instruction will be evidenced based, designed to improve outcomes for children in gaining early literacy skills, and consistently delivered by teachers after considering specific criteria. The Superintendent would report to the Joint Legislative Education Oversight Committee (JLEOC) by March 15, 2020, on the Comprehensive Plan and legislative changes necessary to implement it. The SBE would also adopt the Comprehensive Plan.

## **Part IX: Professional Development in Literacy Instruction Provided by NCCAT**

Sec. 4.(a) would require NCCAT to prioritize delivery of early learning and literacy instruction services, and increase the number of teachers participating in NCCAT's professional development in early learning and literacy instruction meeting the Comprehensive Plan. Priority for admission to NCCAT opportunities would no longer be given to teachers with 15 or fewer years of experience. The NCCAT annual report would include information about NCCAT's programs including data on teachers in early learning and literacy professional development, and evaluations of the programs. These requirements would become effective July 1, 2020, and apply to programs offered by NCCAT on or after that date.

Sec. 4.(b) would require NCCAT to collaborate with DPI and educator preparation programs (EPPs) selected by The University of North Carolina System Office in designing professional development to



# Senate PCS 438

Page 3

align with the standards and curriculum for literacy instruction in K-3. NCCAT would also be required to meet the goals of the Comprehensive Plan in its professional development.

## **Part V: Literacy Training Coursework for Educator Preparation Program Approval**

Sec. 5 would require EPPs, for elementary education and special educator teacher training, to include coursework in teaching reading and writing approved by the SBE as high-quality, evidence-based training that meets the goals for literacy instruction in the Comprehensive Plan. This requirement would apply to EPPs applying for or renewing approval on or after July 1, 2020.

## **Part VI: Align Literacy Curriculum and Instruction with Read to Achieve**

Sec. 6 would require the SBE and DPI to develop or identify literacy curriculum and instruction standards to ensure methods throughout the State are consistent and closely aligned with the objectives of RtA. Based on the Comprehensive Plan, the SBE and DPI would incorporate only the most effective evidence-based literacy curriculum and instruction methods into the standards. By June 30, 2020, the SBE would be required to provide to local boards of education (i) the standards developed, (ii) a model literacy curriculum that meets those standards, and (iii) an example of a literacy curriculum that would not meet those standards and explanatory guidance on why. Each LEA would evaluate its literacy curriculum and instruction and modify it as necessary to adhere to the standards developed by the SBE, or adopt the SBE's model literacy curriculum model. By December 15, 2020, each LEA would submit a concise explanation of its aligned literacy curriculum and instruction to the SBE. Service Support Coordinators would review the curriculum of each LEA and consult as needed to bring literacy instruction into compliance. Review and modification of all literacy instruction statewide would be completed no later than November 15, 2021, and all modified curriculum and instruction would be in place beginning with the 2022-2023 school year.

## **Part VII: Approve Local Reading Camps**

Sec. 7 would require the SBE and DPI to analyze reading camps throughout the State to determine the most effective activities and methods for furthering reading development. The SBE and DPI would develop standards based on this analysis to incorporate the most effective activities and instructional methods. By December 15, 2019, the SBE would publish the standards and report to the JLEOC on those standards and any recommended legislation to further improve the effectiveness of reading camps.

Beginning with reading camps for the 2019-2020 school year, each LEA would submit to DPI a plan for the operation of its reading camps. For 2019-2020, the plan would be submitted by March 1, 2020, and by October 1 in subsequent years. Each plan would include information about the LEA's efforts to staff reading camps with the most qualified teachers possible. LEAs would be encouraged to partner with other LEAs and with community organizations to enhance reading camps. DPI would review each LEA's plan and provide feedback on if the plan aligned with the statutes and reading camp standards. For 2019-2020, the feedback would be provided by May 15, 2020. In subsequent years, it would be provided by February 15. Beginning in 2020-2021, if DPI did not approve a plan by February 15, an LEA could revise and resubmit the plan by March 15. If the plan was again denied by DPI, the LEA would not receive State funds for the reading camp.

The section would also remove the existing requirement that reading camps be provided over at least a 3 week period.

## **Part VIII: Phase Out Certain Alternative Assessments**

# Senate PCS 438

Page 4

Sec. 8 would require the SBE to analyze the passage rates for alternative assessments for third grade reading comprehension and determine the comparative utility of each. By January 15, 2020, the SBE would report to the JLEOC on the result of the analysis and any recommendations to eliminate certain alternative assessments.

## **Part IX: Enhance Data Collection**

Sec. 9 would require DPI to create a uniform template for RtA data, beginning with data collected in 2013-2014. The template would require clear designations of each data component and identification of information suppressed to protect student privacy. Data compiled in the template for each school year would be reported to the JLEOC by April 15, 2020.

## **Part X: Allow CEUs and Retirees for Reading Camp Instruction**

Sec. 10 would award 2 continuing education credits for any teacher who both (i) earns a reading bonus and (ii) teaches a full reading camp. Sec. 10 would also authorize retired classroom K-3 teachers with demonstrated outcomes in reading proficiency or improving difficulties in reading development to teach reading camps after 6 months of retirement. Those teachers would receive \$2,000 upon completion of teaching the reading camp.

## **Part XI: Expand Wolfpack WORKS Program**

Sec. 11 would authorize DPI to contract with NC State University from funds appropriated for the 2019-2021 fiscal biennium for RtA to continue the Wolfpack WORKS pilot program and potentially expand the contract. The funds could also be used to expand the program to other constituent institutions. A report would be due by March 15 annually in years funds were used from DPI to the JLEOC on participation in the program, a summary of activities, and the results of any evaluations of the program. This section would become effective July 1, 2019.

**EFFECTIVE DATE:** Except as otherwise provided, SB 438 would become effective when it becomes law.

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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2

SENATE BILL 438  
Education/Higher Education Committee Substitute Adopted 4/17/19

Short Title: Excellent Public Schools Act of 2019.

(Public)

Sponsors:

Referred to:

April 2, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE IMPLEMENTATION OF THE NORTH CAROLINA READ TO  
ACHIEVE PROGRAM IN ORDER TO ATTAIN STATEWIDE READING  
PROFICIENCY BY THE THIRD GRADE.  
The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as the "Excellent Public Schools Act of 2019."

PART II. ESTABLISH INDIVIDUAL READING PLANS AND A DIGITAL  
CHILDREN'S READING INITIATIVE

SECTION 2.(a) G.S. 115C-83.6(a) reads as rewritten:

"(a) Kindergarten, first, second, and third grade students shall receive high-quality core reading instruction and shall be assessed with valid, reliable, formative, and universal screening measures for literacy, using valid and reliable formative and diagnostic reading assessments made available to local school administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a). Difficulty with reading development identified through administration of formative and diagnostic assessments shall be addressed with instructional supports and services.services as follows:

(1) An Individual Reading Plan (IRP) shall be developed for any student identified to be below grade level based on the results of either (i) the first diagnostic or formative assessment of the school year or (ii) the first diagnostic or formative assessment of the second semester of the school year. The IRP shall be continually adjusted based on multiple data sources as prescribed by the Department of Public Instruction indicating that the student is not progressing toward grade level standards in one or more critical reading skills. Based on the most recently collected data, the IRP shall include the following information, specific to the identified student:

- a. The specific reading skill deficiencies identified by assessment data.
- b. Goals and benchmarks for growth.
- c. The means by which progress will be monitored and evaluated.
- d. The specific additional instructional services and interventions the student will receive.
- e. The evidence-based reading instructional programming the teacher will implement to address oral language, phonological and phonemic awareness, phonics, vocabulary, fluency, and comprehension.



- 1 f. Any additional services the teacher deems appropriate to accelerate the  
2 student's reading skill and development.
- 3 (2) A student's parent or guardian shall be given notice that the student has been  
4 identified to be in need of support due to a deficit in one or more critical  
5 reading skills and that an IRP has been developed. The notice shall provide  
6 the parent or guardian the following:
- 7 a. Specific strategies that can be easily understood and implemented to  
8 assist the student in achieving reading competency.
- 9 b. Encouragement to select one or more strategies for use at home that  
10 build on the student's interests and are most likely to engage the  
11 student and result in reading improvement.
- 12 c. Direction to free online or hardcopy literacy resources that can be  
13 accessed via a prominently displayed area on the home page of the  
14 primary Web site maintained by the Department of Public Instruction  
15 and by the local school administrative unit.

16 Parents or guardians of first and second grade students demonstrating one or more deficits in  
17 critical reading comprehension below grade level skills as identified through assessments  
18 administered pursuant to this subsection shall be encouraged to enroll their student in a reading  
19 camp provided by the local school administrative unit. Parents or guardians of a student identified  
20 as demonstrating one or more deficits in critical reading comprehension below grade level skills  
21 shall make the final decision regarding a student's reading camp attendance."

22 **SECTION 2.(b)** The Department of Public Instruction shall develop a Digital  
23 Children's Reading Initiative (Initiative) for the purpose of increasing the percentage of school  
24 children throughout the State who are reading proficiently by the end of third grade. The Initiative  
25 shall assist parents, guardians, and family members in cultivating confident, proficient, lifelong  
26 readers by providing free tools and resources that can be easily incorporated into everyday life.

27 The Initiative may utilize existing third-party resources by providing selected links to  
28 thoroughly vetted, high-quality resources. Links shall be specifically categorized by skill  
29 deficiency and grade level so that parents, guardians, and family members can be quickly  
30 connected to effective resources targeted to each student's needs. The Department of Public  
31 Instruction shall frequently monitor all resources linked to the Initiative to ensure that that all  
32 links are up-to-date and that resources remain consistent with the purpose set out in this section.  
33 All resources included in the Initiative shall be available to the public without required login  
34 credentials and shall be accessible directly through a prominently displayed area on the home  
35 page of the Department's Web site. The Initiative shall make home activities, printables, and  
36 games available on the following literacy skills, as appropriate for each grade level:

- 37 (1) Phonemic awareness.  
38 (2) Phonics.  
39 (3) Vocabulary.  
40 (4) Fluency.  
41 (5) Comprehension.  
42 (6) Oral language.

43 No later than January 15, 2020, the Department of Public Instruction shall disseminate  
44 the fully developed Digital Children's Reading Initiative to all local school administrative units.  
45 Each local school administrative unit shall make Initiative resources accessible directly through  
46 a prominently displayed area on the home page of the unit's Web site no later than July 1, 2020.  
47 Local school administrative units may compile and add additional high-quality resources that  
48 meet the requirements of this section to those provided to them by the Department of Public  
49 Instruction. Printable activities shall be provided in hard copy by the local school administrative  
50 unit to students who do not have digital access at home and may be provided to all students as a  
51 supplement to digital resources.

1           **SECTION 2.(c)** This section is effective when it becomes law and applies beginning  
2 with the 2020-2021 school year.

3  
4           **PART III. COMPREHENSIVE PLAN TO IMPROVE THE DELIVERY OF LITERACY**  
5           **INSTRUCTION IN THE NORTH CAROLINA PUBLIC SCHOOLS**

6           **SECTION 3.(a)** The Superintendent of Public Instruction shall convene a task force  
7 with members of the Board of Governors of The University of North Carolina, the State Board  
8 of Community Colleges, the North Carolina Independent Colleges and Universities, the State  
9 Board of Education, and the Professional Educator Preparation and Standards Commission, or  
10 their designees, which may include representatives from their respective agencies, to develop a  
11 Comprehensive Plan to Improve Literacy Instruction (Plan) with clear goals to ensure that  
12 literacy instruction provided in the North Carolina public schools is evidenced-based, designed  
13 to improve outcomes for children in gaining early literacy skills, and consistently delivered by  
14 teachers. The Plan shall include strategies on using the latest research on evidence-based  
15 instruction that leads to student learning in the public schools and the components essential to  
16 early learning success and preparation for educators in literacy instruction. The Plan shall also  
17 recommend (i) changes to existing State programs in early childhood education, elementary  
18 education, educator preparation, and professional development for teachers and (ii) new  
19 initiatives to facilitate the State reaching the goals set forth in the Plan. In developing the Plan,  
20 the Superintendent, in consultation with the Board of Governors, the State Board of Community  
21 Colleges, the North Carolina Independent Colleges and Universities, the State Board of  
22 Education, and the Professional Educator Preparation and Standards Commission, shall consider  
23 at least the following:

- 24           (1) Research on early childhood learning, including early literacy instruction, to  
25           define skills and competencies for early learning and literacy educators to  
26           improve educator preparation program design.
- 27           (2) Alignment of preservice educator preparation for early learning instruction  
28           with actual classroom instruction, including clinical experiences, that reflect  
29           well-designed, effective educator preparation programs for early learning  
30           instruction.
- 31           (3) Evidence-based methods of training in educator preparation programs that use  
32           individualized learning models, including Individual Reading Plans as  
33           described in G.S. 115C-83.6, to support literacy education for all students,  
34           including economically disadvantaged students, English language learners,  
35           and children with disabilities.
- 36           (4) The minimum number of credit hours in literacy instruction that an educator  
37           preparation program shall include in its course of study.
- 38           (5) Professional development models that focus on training educator preparation  
39           program faculty and teachers throughout their careers on evidenced-based  
40           instruction in literacy that is consistent with the most recent standards and  
41           curriculum established by the State and well-designed, effective educator  
42           preparation programs.
- 43           (6) The number and type of continuing education credits related to literacy that  
44           the State should require for the renewal of a teacher license.
- 45           (7) Implementation by teachers and local school administrative units of the most  
46           recent standards and curriculum for evidence-based literacy instruction and  
47           resources provided by the Department of Public Instruction for individual  
48           schools and local school administrative units.
- 49           (8) Literacy resources and programs for parents and families as part of the  
50           delivery of literacy instruction by teachers in the public schools.

- (9) Best practices related to teachers using literacy assessment and diagnostics tools and the use of data systems to monitor students' progress towards literacy goals and identify students at risk of not meeting those goals.
- (10) Best practices for literacy interventions for students in kindergarten through third grade that focus on intentional instruction in foundational literacy skills, including phonemic awareness, phonics, vocabulary, fluency, comprehension, and oral language.
- (11) Implications for teacher licensure and other teaching credentials, including potential incentives and compensation, related to changes to existing State programs and new initiatives to facilitate the State reaching the goals set forth in the Plan.

**SECTION 3.(b)** The Superintendent shall report to the Joint Legislative Education Oversight Committee by March 15, 2020, on the Plan developed in accordance with this section and the legislative changes necessary to implement the plan, including recommendations on requirements for educator preparation programs on using evidence-based literacy instruction in the course of study for the purposes of State Board of Education authorization of programs and State support for well-designed professional development programs in early learning and literacy instruction.

**SECTION 3.(c)** G.S. 115C-83.4 reads as rewritten:

**"§ 115C-83.4. Comprehensive plan for ~~reading achievement~~ to improve literacy instruction.**

(a) The State Board of Education shall ~~develop, implement, and continuously evaluate a~~ adopt the comprehensive plan to improve reading achievement literacy instruction in the public schools. ~~The plan shall be based on reading instructional practices with strong evidence of effectiveness in current empirical research in reading development. The plan shall be developed with the active involvement of teachers, college and university educators, parents and guardians of students, and other interested parties. The plan shall, when appropriate to reflect research, include revision of the standard course of study or other curricular standards, revision of teacher licensure and renewal standards, and revision of teacher education program standards.~~ schools, as required by the Excellent Public Schools Act of 2019, developed by the task force convened by the Superintendent of Public Instruction with members of the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the North Carolina Independent Colleges and Universities, the State Board of Education, and the Professional Educator Preparation and Standards Commission.

The Plan shall reflect the requirements of the Excellent Public Schools Act of 2019 and shall include clear goals to ensure that literacy instruction provided in the North Carolina public schools is evidence-based, designed to improve outcomes for children in gaining early literacy skills, and consistently delivered by teachers. The Plan shall include strategies on using the latest research on evidence-based instruction that leads to student learning in the public schools and the components essential to early learning success and preparation for educators in literacy instruction, including requirements that early literacy training be evidence-based, systemic and explicit, based on the science of reading, and designed to improve outcomes for children in gaining early literacy skills.

(b) The ~~Superintendent of Public Instruction, in consultation with the State Board of Education~~ Education, shall report biennially to the Joint Legislative Education Oversight Committee by October 15 of each even-numbered year on the implementation, evaluation, and revisions to the comprehensive plan ~~for reading achievement~~ to improve literacy instruction and shall include recommendations for legislative changes to enable implementation of current empirical research in ~~reading development~~ literacy instruction."



**PART IV. PROFESSIONAL DEVELOPMENT IN LITERACY INSTRUCTION  
PROVIDED BY NCCAT**

**SECTION 4.(a)** G.S. 115C-296.5 reads as rewritten:

**"§ 115C-296.5. North Carolina Center for the Advancement of Teaching; powers and  
duties of trustees; reporting requirement.**

(a) The North Carolina Center for the Advancement of Teaching (hereinafter called "NCCAT"), through itself or agencies with which it may contract, ~~shall~~shall ensure that teachers receive professional development programs in accordance with the following:

(1) ~~Provide~~NCCAT shall prioritize the delivery of early learning and literacy instruction services through increasing the number of teachers participating in their evidence-based professional development programs in early learning and literacy instruction that meet the goals for literacy instruction established in the State's Comprehensive Plan to Improve Literacy Instruction, as defined in G.S. 115C-83.4.

(1a) ~~career~~NCCAT shall provide teachers with other opportunities to study advanced topics in the sciences, arts, and humanities and to engage in informed discourse, assisted by able mentors and outstanding leaders from all walks of life; and life.

(2) ~~Offer~~NCCAT shall offer additional opportunities for teachers to engage in scholarly pursuits through a center dedicated exclusively to the advancement of teaching as an art and as a profession.

(b) ~~Priority for admission to NCCAT opportunities shall be given to teachers with teaching experience of 15 years or less.~~

(c) NCCAT may also provide training and support for beginning teachers to enhance their skills and in support of the State's effort to recruit and retain beginning teachers.

(d) The Board of Trustees of the North Carolina Center for the Advancement of Teaching shall hold all the powers and duties necessary or appropriate for the effective discharge of the functions of NCCAT.

(e) The Executive Director shall submit a copy of the NCCAT annual report to the Superintendent of Public Instruction and the Chair of the State Board of Education at the time of issuance. The report shall include at least the following information:

(1) The number of teachers served by NCCAT's professional development programs by the type of program offered, including the number of teachers participating in the early learning and literacy instruction professional development programs and the increase in the number of teachers served from the prior year.

(2) Evaluation data on the programs offered by NCCAT, including the satisfaction of the teachers and the local school administrative units with the quality and effectiveness of those programs."

**SECTION 4.(b)** The North Carolina Center for the Advancement of Teaching (NCCAT) shall collaborate with the Department of Public Instruction and educator preparation programs selected by The University of North Carolina System Office in designing professional development programs to offer to North Carolina teachers that align with the most recent standards and curriculum for literacy instruction in kindergarten through third grade. NCCAT shall also meet the goals and recommendations set forth in the Comprehensive Plan to Improve Literacy Instruction developed pursuant to Section 3 of this act for the purposes of meeting the requirements of G.S. 115C-296.5, as amended by this section.

**SECTION 4.(c)** Subsection (a) of this section becomes effective July 1, 2020, and applies to programs offered by NCCAT on or after that date.

**PART V. LITERACY TRAINING COURSEWORK FOR EDUCATOR PREPARATION PROGRAM APPROVAL**

**SECTION 5.(a)** G.S. 115C-269.20(a) reads as rewritten:

"(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:

(2) EPPs providing training for elementary education teachers shall include the following:

a. Adequate coursework in the teaching of ~~reading, writing, and~~ mathematics.

a1. Coursework in the teaching of reading and writing that is approved by the State Board of Education as high-quality, evidence-based training for the preparation of educators that meets the goals for literacy instruction established in the State's Comprehensive Plan to Improve Literacy Instruction, as provided in G.S. 115C-83.4.

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.

(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 the goals for literacy instruction established in the State's Comprehensive Plan to Improve Literacy Instruction, as provided in G.S. 115C-83.4, 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.

...."

**SECTION 5.(b)** This section applies to educator preparation programs applying for approval or renewing approval on or after July 1, 2020.

**PART VI. ALIGN LITERACY CURRICULUM AND INSTRUCTION WITH READ TO ACHIEVE**

**SECTION 6.(a)** The State Board of Education and the Department of Public Instruction shall develop or identify literacy curriculum and instruction standards to ensure that



1 methods throughout the State are consistent and closely aligned with the objectives of Part 1A of  
2 Article 8 of Chapter 115C of the General Statutes (Read to Achieve). Based on the goals and  
3 recommendations of the Comprehensive Plan to Improve Literacy Instruction developed  
4 pursuant to Section 3 of this act, the State Board and the Department shall incorporate only the  
5 most effective evidence-based literacy curriculum and instruction methods into the standards  
6 developed. No later than June 30, 2020, the State Board shall provide to local boards of education  
7 (i) the standards developed, (ii) a model literacy curriculum that meets the standards developed,  
8 and (iii) an example of a literacy curriculum that would not meet the standards developed and  
9 explanatory guidance on why it would not meet the standards.

10 Each local school administrative unit shall evaluate its literacy curriculum and  
11 instruction and shall modify as necessary to adhere to the standards developed by the State Board  
12 or adopt the model literacy curriculum model provided by the State Board. No later than  
13 December 15, 2020, and in a form prescribed by the State Board, each local school administrative  
14 unit shall submit to the State Board a concise explanation of its literacy curriculum and  
15 instruction, as aligned with the standards developed by the State Board.

16 **SECTION 6.(b)** Service Support Coordinators, or other appropriate staff as  
17 determined by the Department of Public Instruction, shall work to ensure that the standards  
18 developed by the State Board are implemented statewide by reviewing the curriculum of each  
19 local school administrative unit in each service area and by consulting with each local school  
20 administrative unit as needed to bring literacy instruction into compliance. Review and  
21 modification of all literacy instruction statewide shall be complete no later than November 15,  
22 2021. Modifications shall be implemented into curriculum and instruction as soon as possible,  
23 and all curriculum and instruction as modified under this section shall be in place beginning with  
24 the 2022-2023 school year.

## 25 26 **PART VII. APPROVE LOCAL READING CAMP PLANS**

27 **SECTION 7.(a)** The State Board of Education and the Department of Public  
28 Instruction shall conduct an analysis of reading camps throughout the State in order to determine  
29 which reading camp activities and instructional methods are most effective in furthering reading  
30 development. Based on this analysis, the State Board and the Department shall develop reading  
31 camp standards that incorporate the most effective activities and instructional methods. No later  
32 than December 15, 2019, the State Board shall report to the Joint Legislative Education Oversight  
33 Committee on the standards developed in accordance with this section and any recommended  
34 legislation to further improve the effectiveness of reading camps and shall publish the standards.

35 **SECTION 7.(b)** Beginning with reading camps corresponding to the 2019-2020  
36 school year, each local school administrative unit shall submit to the Department of Public  
37 Instruction a plan for the operation of its reading camps no later than March 1, 2020. Each plan  
38 shall include information about the local school administrative unit's efforts to staff reading  
39 camps with the most qualified teachers possible, including the unit's efforts to attract teachers  
40 associated with high growth in reading based on EVAAS data and teachers who have earned a  
41 reading bonus. As part of their plans, local school administrative units are encouraged to partner  
42 with other local school administrative units and with community organizations to enhance  
43 reading camps.

44 The Department shall review each local school administrative unit's plan and provide  
45 feedback as necessary to ensure that each reading camp throughout the State (i) provides  
46 instruction that is closely aligned with the goals of Part 1A of Article 8 of Chapter 115C of the  
47 General Statutes (Read to Achieve), (ii) meets the minimum requirements provided in  
48 G.S. 115C-83.3(4a), as amended by subsection (c) of this section, and (iii) complies with the  
49 reading camp standards published by the State Board of Education. The Department shall provide  
50 feedback to local school administrative units, including feedback on efforts to attract highly  
51 qualified teachers, no later than May 15, 2020. The Department may provide a form to local

1 school administrative units for the purpose of submitting their plans for review, and local school  
2 administrative units shall submit their plans on the form, if provided by the Department for this  
3 purpose.

4 **SECTION 7.(c)** G.S. 115C-83.3(4a) reads as rewritten:

5 "(4a) "Reading camp" means an additional educational program outside of the  
6 instructional calendar provided by the local school administrative unit to (i)  
7 any third grade student who does not demonstrate reading proficiency and (ii)  
8 any first or second grade student who demonstrates reading comprehension  
9 below grade level as identified through administration of formative and  
10 diagnostic assessments in accordance with G.S. 115C-83.6. Parents or  
11 guardians of the student not demonstrating reading proficiency or  
12 demonstrating reading comprehension below grade level shall make the final  
13 decision regarding the student's reading camp attendance. Reading camps  
14 shall (i) offer at least 72 hours of reading instruction to yield positive reading  
15 outcomes for participants; (ii) be taught by compensated, licensed teachers  
16 selected based on demonstrated student outcomes in reading proficiency or in  
17 improvement of difficulties with reading development; and (iii) allow  
18 volunteer mentors to read with students at times other than during the 72 hours  
19 of reading instruction. ~~The 72 hours of reading instruction shall be provided~~  
20 ~~over no less than three weeks for students in schools using calendars other~~  
21 ~~than year-round calendars."~~

22 **SECTION 7.(d)** Article 8 of Chapter 115C of the General Statutes is amended by  
23 adding a new section to read:

24 **"§ 115C-83.6A. Approval of reading camp plans.**

25 (a) Each local school administrative unit shall submit to the Department of Public  
26 Instruction a plan for the operation of its reading camps no later than October 1. Each plan shall  
27 include information about the local school administrative unit's efforts to staff reading camps  
28 with the most qualified teachers possible, including the unit's efforts to attract teachers associated  
29 with high growth in reading based on EVAAS data and teachers who have earned a reading  
30 bonus. The plan shall incorporate any feedback received from the Department on the previous  
31 year's plan. As part of their plans, local school administrative units are encouraged to partner  
32 with other local school administrative units and with community organizations to enhance  
33 reading camps.

34 (b) The Department of Public Instruction shall review each local school administrative  
35 unit's plan and approve only those reading camps that (i) provide instruction that is closely  
36 aligned with the goals in this Part, (ii) meet minimum requirements as provided in  
37 G.S. 115C-83.3(4a), and (iii) comply with the reading camp standards published by the State  
38 Board of Education. No later than February 15, the Department shall notify each local school  
39 administrative unit of approval or denial of its plan and shall provide feedback if the plan is  
40 denied. No later than March 15, if its plan was denied, a local school administrative unit may  
41 submit an amended plan to the Department of Public Instruction. The Department shall notify  
42 the local school administrative unit if the amended plan is approved or denied no later than April  
43 15.

44 (c) State-provided reading camp funds shall not be released to any local school  
45 administrative unit for which a reading camp plan has not been approved by the Department of  
46 Public Instruction by April 15. Any local school administrative unit denied approval shall use  
47 local funds to fulfill the requirement to provide a reading camp as provided in this Part."

48 **SECTION 7.(e)** Subsection (d) of this section applies beginning with the 2020-2021  
49 school year to reading camps corresponding to that school year.  
50

51 **PART VIII. PHASE OUT CERTAIN ALTERNATIVE ASSESSMENTS**

**SECTION 8.** Based on data collected pursuant to G.S. 115C-83.10 and any other data useful for this purpose, the State Board of Education shall analyze the passage rates for alternative assessments in order to determine the comparative utility of each alternative assessment. No later than January 15, 2020, the State Board shall submit a report to the Joint Legislative Education Oversight Committee on the results of its analysis, along with any recommendations to eliminate certain alternative assessments.

## **PART IX. ENHANCE DATA COLLECTION**

**SECTION 9.(a)** The Department of Public Instruction shall create a uniform template for all data collected pursuant to Part 1A of Article 8 of Chapter 115C of the General Statutes (Read to Achieve), beginning with data collected during the 2013-2014 school year and for each school year thereafter. The template shall include clear designations for each data component reported. A numerical value shall be provided for all data values pertaining to school-wide measures, including those data values reporting fewer than 10 students. Where a measure is disaggregated in a manner that may allow the identity of a student to be disclosed, data values reporting 10 or fewer students may be suppressed to protect student privacy. Data values that are suppressed for this purpose shall be denoted in a different manner than data values left incomplete or unreported. Data values shall be compiled for each data component for each school year, beginning with the 2013-2014 school year, and shall be provided to the Joint Legislative Education Oversight Committee in the uniform template created pursuant to this subsection no later than April 15, 2020.

**SECTION 9.(b)** G.S. 115C-83.6(a2) reads as rewritten:

"(a2) The Department of Public Instruction shall provide for EVAAS analysis all formative and diagnostic assessment data collected pursuant to this section for kindergarten through third grade. The Department shall use a uniform template for all data collected, and the template shall be used each time data is provided. The template shall include clear designations for each data component reported."

**SECTION 9.(c)** This section applies beginning with the 2019-2020 school year and shall include the reporting of required data from the 2018-2019 school year.

## **PART X. ALLOW CEUS AND RETIREES FOR READING CAMP INSTRUCTION**

**SECTION 10.(a)** A teacher who has earned a reading bonus and who provides instruction throughout a full reading camp shall be deemed to have completed two continuing education credits related to literacy, as required by G.S. 115C-270.30(b)(2).

**SECTION 10.(b)** Notwithstanding G.S. 115C-83.3(4a), for reading camps corresponding to the 2019-2020 school year, students attending reading camp may be taught by retired classroom teachers of kindergarten through third grade, based on demonstrated outcomes in reading proficiency or in improvement of difficulties with reading development. A retired teacher may begin providing reading camp instruction at the conclusion of the six-month period immediately following the effective date of retirement and shall be compensated at a rate of two thousand dollars (\$2,000) upon completion of the camp.

## **PART XI. EXPAND WOLFPACK WORKS PROGRAM**

**SECTION 11.(a)** From the funds appropriated to the Department of Public Instruction for the 2019-2021 fiscal biennium for the Excellent Public Schools Act, Read to Achieve Program, the Superintendent of Public Instruction shall contract with North Carolina State University to continue the Wolfpack WORKS pilot program (Wolfpack WORKS) during the 2019-2020 and 2020-2021 school years and may include in the contract expansion of Wolfpack WORKS, in accordance with the best interests of the students of the State, as determined by the Superintendent. The Superintendent of Public Instruction may also use funds appropriated for the Excellent Public Schools Act, Read to Achieve Program, to expand

1     Wolfpack WORKS by collaborating with any other constituent institutions of The University of  
2     North Carolina, in accordance with the best interests of the students of the State, as determined  
3     by the Superintendent.

4             Constituent institutions of The University of North Carolina participating in activities  
5     under this section shall not charge indirect facilities and administrative costs against the funding  
6     provided pursuant to this section.

7             By March 15 of each year that funds are used for the purposes described in this  
8     section, the Department of Public Instruction shall submit a report to the Joint Legislative  
9     Education Oversight Committee that includes the following:

10            (1)     A list of the local school administrative units and the schools within each unit  
11                    that participated, along with the total number of local school administrative  
12                    units and schools participating.

13            (2)     The total number of elementary school teachers that participated.

14            (3)     A summary of activities completed.

15            (4)     The results of any evaluations performed on the Wolfpack WORKS pilot  
16                    program.

17            **SECTION 11.(b)** This section becomes effective July 1, 2019.

18  
19     **PART XII. EFFECTIVE DATE**

20            **SECTION 12.** Except as otherwise provided, this act is effective when it becomes  
21     law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

D

SENATE BILL 438  
Education/Higher Education Committee Substitute Adopted 4/17/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S438-CSBN-33 [v.1]  
07/05/2019 11:16:59 AM

Short Title: Excellent Public Schools Act of 2019.

(Public)

Sponsors:

Referred to:

April 2, 2019

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE IMPLEMENTATION OF THE NORTH CAROLINA READ TO  
ACHIEVE PROGRAM IN ORDER TO ATTAIN STATEWIDE READING  
PROFICIENCY BY THE THIRD GRADE.  
The General Assembly of North Carolina enacts:

**PART I. TITLE**

**SECTION 1.** This act shall be known as the "Excellent Public Schools Act of 2019."

**PART II. ESTABLISH INDIVIDUAL READING PLANS AND A DIGITAL  
CHILDREN'S READING INITIATIVE**

**SECTION 2.(a)** G.S. 115C-83.6(a) reads as rewritten:

"(a) Kindergarten, first, second, and third grade students shall receive high-quality core reading instruction and shall be assessed with valid, reliable, formative, and universal screening measures for literacy, using valid and reliable formative and diagnostic reading assessments made available to local school administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a). Difficulty with reading development identified through administration of formative and diagnostic assessments shall be addressed with instructional supports and services. services as follows:

(1) An Individual Reading Plan (IRP) shall be developed for any student identified to be below grade level based on the results of either (i) the first diagnostic or formative assessment of the school year or (ii) the first diagnostic or formative assessment of the second semester of the school year. The IRP shall be continually adjusted based on multiple data sources as prescribed by the Department of Public Instruction indicating that the student is not progressing toward grade-level standards in one or more critical reading skills. Based on the most recently collected data, the IRP shall include the following information, specific to the identified student:

- a. The specific reading skill deficiencies identified by assessment data.
- b. Goals and benchmarks for growth.
- c. The means by which progress will be monitored and evaluated.
- d. The specific additional instructional services and interventions the student will receive.





- e. The evidence-based reading instructional programming the teacher will implement to address oral language, phonological and phonemic awareness, phonics, vocabulary, fluency, and comprehension.
- f. Any additional services the teacher deems appropriate to accelerate the student's reading skill and development.

(2) A student's parent or guardian shall be given notice that the student has been identified to be in need of support due to a deficit in one or more critical reading skills and that an IRP has been developed. The notice shall provide the parent or guardian the following:

- a. Specific strategies that can be easily understood and implemented to assist the student in achieving reading competency.
- b. Encouragement to select one or more strategies for use at home that build on the student's interests and are most likely to engage the student and result in reading improvement.
- c. Direction to free online or hardcopy literacy resources that can be accessed via a prominently displayed area on the home page of the primary Web site maintained by the Department of Public Instruction and by the local school administrative unit.

Parents or guardians of first and second grade students demonstrating one or more deficits in critical reading comprehension below grade level skills as identified through assessments administered pursuant to this subsection shall be encouraged to enroll their student in a reading camp provided by the local school administrative unit. Parents or guardians of a student identified as demonstrating one or more deficits in critical reading comprehension below grade level skills shall make the final decision regarding a student's reading camp attendance."

**SECTION 2.(b)** The Department of Public Instruction shall develop a Digital Children's Reading Initiative (Initiative) for the purpose of increasing the percentage of school children throughout the State who are reading proficiently by the end of third grade. The Initiative shall assist parents, guardians, and family members in cultivating confident, proficient, lifelong readers by providing free tools and resources that can be easily incorporated into everyday life.

The Initiative may utilize existing third-party resources by providing selected links to thoroughly vetted, high-quality resources. Links shall be specifically categorized by skill deficiency and grade level so that parents, guardians, and family members can be quickly connected to effective resources targeted to each student's needs. The Department of Public Instruction shall frequently monitor all resources linked to the Initiative to ensure that all links are up-to-date and that resources remain consistent with the purpose set out in this section. All resources included in the Initiative shall be available to the public without required login credentials and shall be accessible directly through a prominently displayed area on the home page of the Department's Web site. The Initiative shall make home activities, printables, and games available on the following literacy skills, as appropriate for each grade level:

- (1) Phonemic awareness.
- (2) Phonics.
- (3) Vocabulary.
- (4) Fluency.
- (5) Comprehension.
- (6) Oral language.

No later than January 15, 2020, the Department of Public Instruction shall disseminate the fully developed Digital Children's Reading Initiative to all local school administrative units. Each local school administrative unit shall make Initiative resources accessible directly through a prominently displayed area on the home page of the unit's Web site no later than July 1, 2020. Local school administrative units may compile and add additional high-quality resources that meet the requirements of this section to those provided to them by the Department of Public

1 Instruction. Printable activities shall be provided in hard copy by the local school administrative  
2 unit to students who do not have digital access at home and may be provided to all students as a  
3 supplement to digital resources.

4 **SECTION 2.(c)** This section is effective when it becomes law and applies beginning  
5 with the 2020-2021 school year.

6  
7 **PART III. COMPREHENSIVE PLAN TO IMPROVE THE DELIVERY OF LITERACY**  
8 **INSTRUCTION IN THE NORTH CAROLINA PUBLIC SCHOOLS**

9 **SECTION 3.(a)** The Superintendent of Public Instruction shall convene a task force  
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13 their designees, which may include representatives from their respective agencies, to develop a  
14 Comprehensive Plan to Improve Literacy Instruction (Plan) with clear goals to ensure that  
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16 improve outcomes for children in gaining early literacy skills, and consistently delivered by  
17 teachers. The Plan shall include strategies on using the latest research on evidence-based  
18 instruction that leads to student learning in the public schools and the components essential to  
19 early learning success and preparation for educators in literacy instruction. The Plan shall also  
20 recommend (i) changes to existing State programs in early childhood education, elementary  
21 education, educator preparation, and professional development for teachers and (ii) new  
22 initiatives to facilitate the State reaching the goals set forth in the Plan. In developing the Plan,  
23 the Superintendent, in consultation with the Board of Governors, the State Board of Community  
24 Colleges, the North Carolina Independent Colleges and Universities, the State Board of  
25 Education, and the Professional Educator Preparation and Standards Commission, shall consider  
26 at least the following:

- 27 (1) Research on early childhood learning, including early literacy instruction, to  
28 define skills and competencies for early learning and literacy educators to  
29 improve educator preparation program design.
- 30 (2) Alignment of preservice educator preparation for early learning instruction  
31 with actual classroom instruction, including clinical experiences, that reflect  
32 well-designed, effective educator preparation programs for early learning  
33 instruction.
- 34 (3) Evidence-based methods of training in educator preparation programs that use  
35 individualized learning models, including Individual Reading Plans as  
36 described in G.S. 115C-83.6, to support literacy education for all students,  
37 including economically disadvantaged students, English language learners,  
38 and children with disabilities.
- 39 (4) The minimum number of credit hours in literacy instruction that an educator  
40 preparation program shall include in its course of study.
- 41 (5) Professional development models that focus on training educator preparation  
42 program faculty and teachers throughout their careers on evidence-based  
43 instruction in literacy that is consistent with the most recent standards and  
44 curriculum established by the State and well-designed, effective educator  
45 preparation programs.
- 46 (6) The number and type of continuing education credits related to literacy that  
47 the State should require for the renewal of a teacher license.
- 48 (7) Implementation by teachers and local school administrative units of the most  
49 recent standards and curriculum for evidence-based literacy instruction and  
50 resources provided by the Department of Public Instruction for individual  
51 schools and local school administrative units.

- (8) Literacy resources and programs for parents and families as part of the delivery of literacy instruction by teachers in the public schools.
- (9) Best practices related to teachers using literacy assessment and diagnostic tools and the use of data systems to monitor students' progress towards literacy goals and identify students at risk of not meeting those goals.
- (10) Best practices for literacy interventions for students in kindergarten through third grade that focus on intentional instruction in foundational literacy skills, including phonemic awareness, phonics, vocabulary, fluency, comprehension, and oral language.
- (11) Implications for teacher licensure and other teaching credentials, including potential incentives and compensation, related to changes to existing State programs and new initiatives to facilitate the State reaching the goals set forth in the Plan.

**SECTION 3.(b)** The Superintendent shall report to the Joint Legislative Education Oversight Committee by March 15, 2020, on the Plan developed in accordance with this section and the legislative changes necessary to implement the Plan, including recommendations on requirements for educator preparation programs on using evidence-based literacy instruction in the course of study for the purposes of State Board of Education authorization of programs and State support for well-designed professional development programs in early learning and literacy instruction.

**SECTION 3.(c)** G.S. 115C-83.4 reads as rewritten:

**"§ 115C-83.4. Comprehensive plan for reading achievement to improve literacy instruction.**

(a) ~~The State Board of Education shall develop, implement, and continuously evaluate a comprehensive plan to improve reading achievement literacy instruction in the public schools. The plan shall be based on reading instructional practices with strong evidence of effectiveness in current empirical research in reading development. The plan shall be developed with the active involvement of teachers, college and university educators, parents and guardians of students, and other interested parties. The plan shall, when appropriate to reflect research, include revision of the standard course of study or other curricular standards, revision of teacher licensure and renewal standards, and revision of teacher education program standards, schools, as required by the Excellent Public Schools Act of 2019, developed by the task force convened by the Superintendent of Public Instruction with members of the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the North Carolina Independent Colleges and Universities, the State Board of Education, and the Professional Educator Preparation and Standards Commission.~~

The Plan shall reflect the requirements of the Excellent Public Schools Act of 2019 and shall include clear goals to ensure that literacy instruction provided in the North Carolina public schools is evidence-based, designed to improve outcomes for children in gaining early literacy skills, and consistently delivered by teachers. The Plan shall include strategies on using the latest research on evidence-based instruction that leads to student learning in the public schools and the components essential to early learning success and preparation for educators in literacy instruction, including requirements that early literacy training be evidence-based, systemic and explicit, based on the science of reading, and designed to improve outcomes for children in gaining early literacy skills.

(b) ~~The Superintendent of Public Instruction, in consultation with the State Board of Education~~ Education, shall report biennially to the Joint Legislative Education Oversight Committee by October 15 of each even-numbered year on the implementation, evaluation, and revisions to the comprehensive plan ~~for reading achievement to improve literacy instruction~~ and shall include recommendations for legislative changes to enable implementation of current empirical research in ~~reading development~~ literacy instruction."



**PART IV. PROFESSIONAL DEVELOPMENT IN LITERACY INSTRUCTION  
PROVIDED BY NCCAT**

**SECTION 4.(a)** G.S. 115C-296.5 reads as rewritten:

**"§ 115C-296.5. North Carolina Center for the Advancement of Teaching; powers and  
duties of trustees; reporting requirement.**

(a) The North Carolina Center for the Advancement of Teaching (hereinafter called "NCCAT"), through itself or agencies with which it may contract, ~~shall~~shall ensure that teachers receive professional development programs in accordance with the following:

(1) ~~Provide~~NCCAT shall prioritize the delivery of early learning and literacy instruction services through increasing the number of teachers participating in their evidence-based professional development programs in early learning and literacy instruction that meet the goals for literacy instruction established in the State's Comprehensive Plan to Improve Literacy Instruction, as defined in G.S. 115C-83.4.

(1a) ~~career~~NCCAT shall provide teachers with other opportunities to study advanced topics in the sciences, arts, and humanities and to engage in informed discourse, assisted by able mentors and outstanding leaders from all walks of life; and life.

(2) ~~Offer~~NCCAT shall offer additional opportunities for teachers to engage in scholarly pursuits through a center dedicated exclusively to the advancement of teaching as an art and as a profession.

(b) ~~Priority for admission to NCCAT opportunities shall be given to teachers with teaching experience of 15 years or less.~~

(c) NCCAT may also provide training and support for beginning teachers to enhance their skills and in support of the State's effort to recruit and retain beginning teachers.

(d) The Board of Trustees of the North Carolina Center for the Advancement of Teaching shall hold all the powers and duties necessary or appropriate for the effective discharge of the functions of NCCAT.

(e) The Executive Director shall submit a copy of the NCCAT annual report to the Superintendent of Public Instruction and the Chair of the State Board of Education at the time of issuance. The report shall include at least the following information:

(1) The number of teachers served by NCCAT's professional development programs by the type of program offered, including the number of teachers participating in the early learning and literacy instruction professional development programs and the increase in the number of teachers served from the prior year.

(2) Evaluation data on the programs offered by NCCAT, including the satisfaction of the teachers and the local school administrative units with the quality and effectiveness of those programs."

**SECTION 4.(b)** The North Carolina Center for the Advancement of Teaching (NCCAT) shall collaborate with the Department of Public Instruction and educator preparation programs selected by The University of North Carolina System Office in designing professional development programs to offer to North Carolina teachers that align with the most recent standards and curriculum for literacy instruction in kindergarten through third grade. NCCAT shall also meet the goals and recommendations set forth in the Comprehensive Plan to Improve Literacy Instruction developed pursuant to Section 3 of this act for the purposes of meeting the requirements of G.S. 115C-296.5, as amended by this section.

**SECTION 4.(c)** Subsection (a) of this section becomes effective July 1, 2020, and applies to programs offered by NCCAT on or after that date.

**PART V. LITERACY TRAINING COURSEWORK FOR EDUCATOR PREPARATION PROGRAM APPROVAL**

**SECTION 5.(a)** G.S. 115C-269.20(a) reads as rewritten:

"(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:

...  
(2) EPPs providing training for elementary education teachers shall include the following:

a. Adequate coursework in the teaching of ~~reading, writing, and~~ mathematics.

a1. Coursework in the teaching of reading and writing that is approved by the State Board of Education as high-quality, evidence-based training for the preparation of educators that meets the goals for literacy instruction established in the State's Comprehensive Plan to Improve Literacy Instruction, as provided in G.S. 115C-83.4.

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.

(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 the goals for literacy instruction established in the State's Comprehensive Plan to Improve Literacy Instruction, as provided in G.S. 115C-83.4, 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.

...."

**SECTION 5.(b)** This section applies to educator preparation programs applying for approval or renewing approval on or after July 1, 2020.

**PART VI. ALIGN LITERACY CURRICULUM AND INSTRUCTION WITH READ TO ACHIEVE**

**SECTION 6.(a)** The State Board of Education and the Department of Public Instruction shall develop or identify literacy curriculum and instruction standards to ensure that

1 methods throughout the State are consistent and closely aligned with the objectives of Part 1A of  
2 Article 8 of Chapter 115C of the General Statutes (Read to Achieve). Based on the goals and  
3 recommendations of the Comprehensive Plan to Improve Literacy Instruction developed  
4 pursuant to Section 3 of this act, the State Board and the Department shall incorporate only the  
5 most effective evidence-based literacy curriculum and instruction methods into the standards  
6 developed. No later than June 30, 2020, the State Board shall provide to local boards of education  
7 (i) the standards developed, (ii) a model literacy curriculum that meets the standards developed,  
8 and (iii) an example of a literacy curriculum that would not meet the standards developed and  
9 explanatory guidance on why it would not meet the standards.

10 Each local school administrative unit shall evaluate its literacy curriculum and  
11 instruction and shall modify as necessary to adhere to the standards developed by the State Board  
12 or adopt the model literacy curriculum model provided by the State Board. No later than  
13 December 15, 2020, and in a form prescribed by the State Board, each local school administrative  
14 unit shall submit to the State Board a concise explanation of its literacy curriculum and  
15 instruction, as aligned with the standards developed by the State Board.

16 **SECTION 6.(b)** Service Support Coordinators, or other appropriate staff as  
17 determined by the Department of Public Instruction, shall work to ensure that the standards  
18 developed by the State Board are implemented statewide by reviewing the curriculum of each  
19 local school administrative unit in each service area and by consulting with each local school  
20 administrative unit as needed to bring literacy instruction into compliance. Review and  
21 modification of all literacy instruction statewide shall be complete no later than November 15,  
22 2021. Modifications shall be implemented into curriculum and instruction as soon as possible,  
23 and all curriculum and instruction as modified under this section shall be in place beginning with  
24 the 2022-2023 school year.

## 25 26 **PART VII. APPROVE LOCAL READING CAMP PLANS**

27 **SECTION 7.(a)** The State Board of Education and the Department of Public  
28 Instruction shall conduct an analysis of reading camps throughout the State in order to determine  
29 which reading camp activities and instructional methods are most effective in furthering reading  
30 development. Based on this analysis, the State Board and the Department shall develop reading  
31 camp standards that incorporate the most effective activities and instructional methods. No later  
32 than December 15, 2019, the State Board shall report to the Joint Legislative Education Oversight  
33 Committee on the standards developed in accordance with this section and any recommended  
34 legislation to further improve the effectiveness of reading camps and shall publish the standards.

35 **SECTION 7.(b)** Beginning with reading camps corresponding to the 2019-2020  
36 school year, each local school administrative unit shall submit to the Department of Public  
37 Instruction a plan for the operation of its reading camps no later than March 1, 2020. Each plan  
38 shall include information about the local school administrative unit's efforts to staff reading  
39 camps with the most qualified teachers possible, including the unit's efforts to attract teachers  
40 associated with high growth in reading based on EVAAS data and teachers who have earned a  
41 reading bonus. As part of their plans, local school administrative units are encouraged to partner  
42 with other local school administrative units and with community organizations to enhance  
43 reading camps.

44 The Department shall review each local school administrative unit's plan and provide  
45 feedback as necessary to ensure that each reading camp throughout the State (i) provides  
46 instruction that is closely aligned with the goals of Part 1A of Article 8 of Chapter 115C of the  
47 General Statutes (Read to Achieve), (ii) meets the minimum requirements provided in  
48 G.S. 115C-83.3(4a), as amended by subsection (c) of this section, and (iii) complies with the  
49 reading camp standards published by the State Board of Education. The Department shall provide  
50 feedback to local school administrative units, including feedback on efforts to attract highly  
51 qualified teachers, no later than May 15, 2020. The Department may provide a form to local

1 school administrative units for the purpose of submitting their plans for review, and local school  
2 administrative units shall submit their plans on the form, if provided by the Department for this  
3 purpose.

4 **SECTION 7.(c)** G.S. 115C-83.3(4a) reads as rewritten:

5 "(4a) "Reading camp" means an additional educational program outside of the  
6 instructional calendar provided by the local school administrative unit to (i)  
7 any third grade student who does not demonstrate reading proficiency and (ii)  
8 any first or second grade student who demonstrates reading comprehension  
9 below grade level as identified through administration of formative and  
10 diagnostic assessments in accordance with G.S. 115C-83.6. Parents or  
11 guardians of the student not demonstrating reading proficiency or  
12 demonstrating reading comprehension below grade level shall make the final  
13 decision regarding the student's reading camp attendance. Reading camps  
14 shall (i) offer at least 72 hours of reading instruction to yield positive reading  
15 outcomes for participants; (ii) be taught by compensated, licensed teachers  
16 selected based on demonstrated student outcomes in reading proficiency or in  
17 improvement of difficulties with reading development; and (iii) allow  
18 volunteer mentors to read with students at times other than during the 72 hours  
19 of reading instruction. ~~The 72 hours of reading instruction shall be provided  
20 over no less than three weeks for students in schools using calendars other  
21 than year-round calendars."~~

22 **SECTION 7.(d)** Article 8 of Chapter 115C of the General Statutes is amended by  
23 adding a new section to read:

24 **"§ 115C-83.6A. Approval of reading camp plans.**

25 (a) Each local school administrative unit shall submit to the Department of Public  
26 Instruction a plan for the operation of its reading camps no later than October 1. Each plan shall  
27 include information about the local school administrative unit's efforts to staff reading camps  
28 with the most qualified teachers possible, including the unit's efforts to attract teachers associated  
29 with high growth in reading based on EVAAS data and teachers who have earned a reading  
30 bonus. The plan shall incorporate any feedback received from the Department on the previous  
31 year's plan. As part of their plans, local school administrative units are encouraged to partner  
32 with other local school administrative units and with community organizations to enhance  
33 reading camps.

34 (b) The Department of Public Instruction shall review each local school administrative  
35 unit's plan and approve only those reading camps that (i) provide instruction that is closely  
36 aligned with the goals in this Part, (ii) meet minimum requirements as provided in  
37 G.S. 115C-83.3(4a), and (iii) comply with the reading camp standards published by the State  
38 Board of Education. No later than February 15, the Department shall notify each local school  
39 administrative unit of approval or denial of its plan and shall provide feedback if the plan is  
40 denied. No later than March 15, if its plan was denied, a local school administrative unit may  
41 submit an amended plan to the Department of Public Instruction. The Department shall notify  
42 the local school administrative unit if the amended plan is approved or denied no later than April  
43 15.

44 (c) State-provided reading camp funds shall not be released to any local school  
45 administrative unit for which a reading camp plan has not been approved by the Department of  
46 Public Instruction by April 15. Any local school administrative unit denied approval shall use  
47 local funds to fulfill the requirement to provide a reading camp as provided in this Part."

48 **SECTION 7.(e)** Subsection (d) of this section applies beginning with the 2020-2021  
49 school year to reading camps corresponding to that school year.

50  
51 **PART VIII. PHASE OUT CERTAIN ALTERNATIVE ASSESSMENTS**

**SECTION 8.** Based on data collected pursuant to G.S. 115C-83.10 and any other data useful for this purpose, the State Board of Education shall analyze the passage rates for alternative assessments in order to determine the comparative utility of each alternative assessment. No later than January 15, 2020, the State Board shall submit a report to the Joint Legislative Education Oversight Committee on the results of its analysis, along with any recommendations to eliminate certain alternative assessments.

## **PART IX. ENHANCE DATA COLLECTION**

**SECTION 9.(a)** The Department of Public Instruction shall create a uniform template for all data collected pursuant to Part 1A of Article 8 of Chapter 115C of the General Statutes (Read to Achieve), beginning with data collected during the 2013-2014 school year and for each school year thereafter. The template shall include clear designations for each data component reported. A numerical value shall be provided for all data values pertaining to school-wide measures, including those data values reporting fewer than 10 students. Where a measure is disaggregated in a manner that may allow the identity of a student to be disclosed, data values reporting 10 or fewer students may be suppressed to protect student privacy. Data values that are suppressed for this purpose shall be denoted in a different manner than data values left incomplete or unreported. Data values shall be compiled for each data component for each school year, beginning with the 2013-2014 school year, and shall be provided to the Joint Legislative Education Oversight Committee in the uniform template created pursuant to this subsection no later than April 15, 2020.

**SECTION 9.(b)** G.S. 115C-83.6(a2) reads as rewritten:

"(a2) The Department of Public Instruction shall provide for EVAAS analysis all formative and diagnostic assessment data collected pursuant to this section for kindergarten through third grade. The Department shall use a uniform template for all data collected, and the template shall be used each time data is provided. The template shall include clear designations for each data component reported."

**SECTION 9.(c)** This section applies beginning with the 2019-2020 school year and shall include the reporting of required data from the 2018-2019 school year.

## **PART X. ALLOW CEUS AND RETIREES FOR READING CAMP INSTRUCTION**

**SECTION 10.(a)** A teacher who has earned a reading bonus and who provides instruction throughout a full reading camp shall be deemed to have completed two continuing education credits related to literacy, as required by G.S. 115C-270.30(b)(2).

**SECTION 10.(b)** Notwithstanding G.S. 115C-83.3(4a), for reading camps corresponding to the 2019-2020 school year, students attending reading camp may be taught by retired classroom teachers of kindergarten through third grade, based on demonstrated outcomes in reading proficiency or in improvement of difficulties with reading development. A retired teacher may begin providing reading camp instruction at the conclusion of the six-month period immediately following the effective date of retirement and shall be compensated at a rate of two thousand dollars (\$2,000) upon completion of the camp.

## **PART XI. EXPAND WOLFPACK WORKS PROGRAM**

**SECTION 11.(a)** From the funds appropriated to the Department of Public Instruction for the 2019-2021 fiscal biennium for the Excellent Public Schools Act, Read to Achieve Program, the Superintendent of Public Instruction shall contract with North Carolina State University to continue the Wolfpack WORKS pilot program (Wolfpack WORKS) during the 2019-2020 and 2020-2021 school years and may include in the contract expansion of Wolfpack WORKS, in accordance with the best interests of the students of the State, as determined by the Superintendent. The Superintendent of Public Instruction may also use funds appropriated for the Excellent Public Schools Act, Read to Achieve Program, to expand

1     Wolpack WORKS by collaborating with any other constituent institutions of The University of  
2     North Carolina, in accordance with the best interests of the students of the State, as determined  
3     by the Superintendent.

4             Constituent institutions of The University of North Carolina participating in activities  
5     under this section shall not charge indirect facilities and administrative costs against the funding  
6     provided pursuant to this section.

7             By March 15 of each year that funds are used for the purposes described in this  
8     section, the Department of Public Instruction shall submit a report to the Joint Legislative  
9     Education Oversight Committee that includes the following:

10            (1)     A list of the local school administrative units and the schools within each unit  
11                    that participated, along with the total number of local school administrative  
12                    units and schools participating.

13            (2)     The total number of elementary school teachers that participated.

14            (3)     A summary of activities completed.

15            (4)     The results of any evaluations performed on the Wolpack WORKS pilot  
16                    program.

17            **SECTION 11.(b)** This section becomes effective July 1, 2019.

18  
19     **PART XII. EFFECTIVE DATE**

20            **SECTION 12.** Except as otherwise provided, this act is effective when it becomes  
21     law.





## SENATE BILL 5: School Safety Omnibus.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	July 9, 2019
<b>Introduced by:</b>	Sens. Brown, Harrington, Krawiec	<b>Prepared by:</b>	Kara McCraw*
<b>Analysis of:</b>	PCS to Second Edition S5-CSTC-42		Committee Counsel

**OVERVIEW:** The PCS for SB 5 would remove the contents of the 2nd edition of that bill, and would replace it entirely with the following:

- Establish that school safety requirements apply to all public schools, and encourage non-public schools to participate in school safety plans.
- Clarify the powers and duties of the Center for Safer Schools.
- Require county boards of education to develop county state of emergency plans for all public school units in the county.
- Define the term "school resource officer" and require training for SROs.
- Require annual vulnerability assessments for each public school building.

### PART I. REQUIREMENTS FOR SCHOOL SAFETY FOR ALL PUBLIC SCHOOLS

**CURRENT LAW:** Charter schools, regional schools, innovative schools, and lab schools are encouraged, but not required, to participate in all school safety requirements that are required for local school administrative units.

#### BILL ANALYSIS:

Section 1.(a) would reorganize statutes in Article 8C of Chapter 115C of the General Statutes to create a Part entitled, "Maintaining Safe and Orderly Schools".

Sections 1.(b) through 1.(p) would require charter schools, regional schools, innovative schools, and lab schools to meet all the school safety requirements that exist for local school administrative units. These include adoption of School Risk Management Plans (SRMPs), annual school-wide tabletop drills and exercises, and provision of schematic diagrams of the schools to local law enforcement and the Division of Public Safety (DPS).

Sections 1.(q) and 1.(r) would encourage, but not require, nonpublic schools to adopt SRMPs, hold school safety exercises and provide schematic diagrams to local law enforcement and the DPS.

Section 1 would apply beginning with the 2019-2020 school year.

### PART II. CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR SAFER SCHOOLS

**CURRENT LAW:** The Center for Safer Schools (Center) is administratively located in the Department of Public Instruction and is headed by an Executive Director. The Center does not have specific powers and duties delineated in statute.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate PCS 5

Page 2

**BILL ANALYSIS:** Section 2 would create specific responsibilities for the Center, including the following:

- Serving as a resource and referral center on school safety concerns.
- Providing training for public school personnel.
- Collecting, analyzing, and disseminating school safety data.

The Center would receive guidance from the Task Force for Safer Schools, and would collaborate with other State agencies in its work.

## **PART III: STATE OF EMERGENCY OPERATIONAL STATUS REPORTING**

**BILL ANALYSIS:** Section 3 would define the term "countywide state of emergency" as a state of emergency covering a county declared by the President, General Assembly, Governor, or governing body of that county. It would require each public school unit in a county under a countywide state of emergency to report the operational status of its schools to the local board of county commissioners or designee for as long as the countywide state of emergency is in place. This section would apply beginning with the 2019-2020 school year.

## **PART IV: SCHOOL RESOURCE OFFICER DEFINED/TRAINING**

**BILL ANALYSIS:** For all school resource officers employed beginning with the 2020-2021 school year, Section 4.(a) would define the term "school resource officer" (SRO) as a law enforcement officer assigned to a public school at least 20 hours per week to assist with various school safety or security responsibilities consistent with the memorandum of understanding between the public school unit and law enforcement agency. Sections 4.(b) and (c) would require that training standards for SROs be established. These standard would include, at a minimum, training on mental health, students with disabilities, racial equity, and crisis intervention and de-escalation. Section 4.(d) would require initial training standards for SROs be established by January 15, 2020, by the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission. Section 4.(e) would require each public school unit to report annually to the Center for Safer Schools the number of SROs and the placement of each SRO within the public school unit. The Center for Safer Schools would be required to report an executive summary of this information and the disaggregated data to the Joint Legislative Education Oversight Committee annually.

## **PART V. SCHOOL BUILDING VULNERABILITY ASSESSMENT**

**CURRENT LAW:** G.S. 115C-521 requires that, when considering erection of school buildings, local boards of education must follow State Board of Education facilities guidelines, and in the case of temporary classrooms, must use units that meet the approval of the School Planning Division of the Department of Public Instruction.

**BILL ANALYSIS:** Section 5.(a) would require the Center for Safer Schools to collaborate with the Department of Public Instruction to develop a facility vulnerability assessment tool in the form of a checklist. It would also require public school units to perform facility vulnerability assessments using the tool developed by the Center for Safer Schools for each school building annually.

Section 5.(b) would require that any facility vulnerability assessments be integrated into the School Risk and Response Management System as a part of the School Risk Management Plan.

**EFFECTIVE DATE:** Except as otherwise provided, SB 5 would become effective when it becomes law.

*\*This bill summary was substantially contributed to by Samantha Yarborough, Committee Counsel.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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2

SENATE BILL 5  
Second Edition Engrossed 2/20/19

Short Title: Building North Carolina's Future. (Public)

Sponsors: Senators Brown, Harrington, Krawiec (Primary Sponsors); J. Alexander, T. Alexander, Ballard, Bishop, Burgin, Daniel, J. Davis, Edwards, Ford, Gunn, B. Jackson, Johnson, McInnis, Newton, Rabon, Sanderson, Smith, and Steinburg.

Referred to: Rules and Operations of the Senate

January 31, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW STATE AND LOCAL EDUCATIONAL INSTITUTIONS ACCESS TO  
3 FUNDING FROM THE STATE CAPITAL AND INFRASTRUCTURE FUND TO  
4 ADDRESS CRITICAL CAPITAL FUNDING NEEDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The General Assembly is committed to supporting public education.  
7 Recognizing the current critical need for capital funding, it is the intent of the General Assembly  
8 to expand access to the State Capital and Infrastructure Fund and provide supplemental funding  
9 for local school administrative units and community colleges to address capital needs, including  
10 repair and renovation projects and school safety enhancements.

11 **SECTION 2.(a)** G.S. 143C-4-3.1 reads as rewritten:

12 **"§ 143C-4-3.1. State Capital and Infrastructure Fund.**

13 (a) Legislative Intent. – The General Assembly recognizes the need to establish and  
14 maintain a sufficient funding source to address the ongoing capital and infrastructure needs of  
15 the State. The General Assembly further recognizes the need to protect the State's substantial  
16 improvements in existing public facilities while providing a stable funding source to pay for new  
17 facilities to meet the needs of a growing population. The General Assembly intends to annually  
18 appropriate one-third of funds available in the State Capital and Infrastructure Fund each to State  
19 agencies, institutions of higher education, and local school administrative units through the  
20 2027-2028 fiscal year.

21 (b) Creation and Source of Funds. – There is established in the General Fund the State  
22 Capital and Infrastructure Fund, hereinafter referred to as the "Fund." The Fund shall be  
23 maintained as a special fund and administered by the Office of State Budget and Management to  
24 carry out the provisions of this section. With the exception of debt service obligations,  
25 appropriations from the Fund may be administered by other State agencies as deemed necessary  
26 by the Office of State Budget and Management. Interest accruing from the monies in the Fund  
27 shall be credited to the Fund. The Fund shall consist of the following sources of funding:

- 28 (1) One-fourth of any unreserved fund balance, as determined on a cash basis,  
29 remaining in the General Fund at the end of each fiscal year.  
30 (2) Four and one-half percent ~~(4%)~~(4.5%) of the net State tax revenues that are  
31 deposited in the General Fund during the fiscal year.  
32 (3) All monies appropriated by the General Assembly for the purposes of capital  
33 improvements, as defined in G.S. 143C-1-1(d).  
34 (4) All interest and investment earnings received on monies in the Fund.



(5) Any other funds, as directed by the General Assembly.

(c) Funding Requirements. – Each Current Operations Appropriations Act enacted by the General Assembly shall include (i) a transfer to the Fund of four and one-half percent (4.5%) ~~(4%)~~ of each fiscal year's estimated net State tax revenues that are deposited in the General Fund and (ii) one-fourth of the General Fund unreserved fund balance, as determined on a cash basis, at the end of each fiscal year.

(d) Transfer of Funds to the Fund. – Each fiscal year, the Office of State Controller shall transfer to the Fund the estimated amounts required pursuant to subsection (c) of this section. Each fiscal year, the Office of State Controller shall transfer to the Fund one-fourth of the General Fund unreserved fund balance, as determined on a cash basis, at the end of the fiscal year.

(e) Use of Funds. – Monies in the Fund shall first be used to meet the debt service obligations of the State. In addition to meeting the State's debt service obligations, monies in the Fund may be used for the following purposes:

(1) New State and The University of North Carolina capital projects governed pursuant to Article 8 of Chapter 143C of the General ~~Statutes~~. Statutes, new capital projects for community colleges under the jurisdiction of the State Board of Community Colleges, and new capital projects for local school administrative units.

(2) Repair and renovation of existing capital assets, as provided in G.S. 143C-8-13.

(e1) Administration of Local School Funds. – Funds appropriated for local school administrative units for capital projects pursuant to this section and for repairs and renovations pursuant to G.S. 143C-8-13 shall be administered by the Department of Public Instruction. Upon application, the Department shall distribute funds appropriated from the Fund for capital projects and repairs and renovations projects. In distributing the funds for capital projects and repairs and renovations projects, the Department shall give priority to applicants that demonstrate the greatest need. Applicants for capital projects that have not received a grant from the Needs-Based Public School Capital Fund in the previous five years shall receive a higher priority.

(f) Funds Available Only Upon Appropriation. – Funds reserved to the Fund shall be available for expenditure only upon an act of appropriation by the General Assembly.

(g) Restrictions for Class Size Noncompliance. – Notwithstanding any other provision of law to the contrary, funds appropriated from the Fund and allocated to a local school administrative unit that is not in compliance with the class size requirements in G.S. 115C-301 shall be used solely for capital expenditures needed to obtain compliance with the class size requirements.

(h) Funding of Projects. – To maximize the utility of available State funds, the General Assembly shall appropriate monies from the Fund for specific projects in an amount sufficient to fund that project for the fiscal year in which funds are appropriated. It is the intent of the General Assembly to provide future funding for capital projects receiving an appropriation from the Fund until those projects have been completed. Monies provided to local governments from the Fund shall not be used to retire existing debt service."

**SECTION 2.(b) G.S. 143C-8-13 reads as rewritten:**

**"§ 143C-8-13. Repairs and Renovations.**

(a) Use of Funds. – Funds for repairs and renovations shall be available for expenditure only upon an act of appropriation by the General Assembly. Funds appropriated for repairs and renovations shall be used only for (i) State facilities and related infrastructure that are supported from the General Fund-Fund, (ii) and for Department of Information Technology facilities and related infrastructure-infrastructure, (iii) community colleges under the jurisdiction of the State Board of Community Colleges, and (iv) local school administrative units. Funds appropriated for repairs and renovations projects shall not be used for new construction or the expansion of the

building area (sq. ft.) of an existing facility unless required in order to comply with federal or State codes or standards. Allowable projects include any of the following:

- (1) Roof repairs and replacements.
- (2) Structural repairs.
- (3) Repairs and renovations to meet federal and State standards.
- (4) Repairs to or installation of new electrical, plumbing, and heating, ventilating, and air-conditioning systems.
- (5) Improvements to meet the requirements of the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., as amended.
- (6) Improvements to meet fire safety needs.
- (7) Improvements to existing facilities for energy efficiency.
- (8) Improvements to remove asbestos, lead paint, and other contaminants, including the removal and replacement of underground storage tanks.
- (9) Improvements and renovations to improve use of existing space.
- (10) Historical restoration.
- (11) Improvements to roads, walks, drives, and utilities infrastructure.
- (12) Drainage and landscape improvements.
- (13) Building demolition.
- (14) School safety enhancements.

(b) Allocation and Reallocation of Funds for Particular Projects. – Any funds that are allocated to the Board of Governors of The University of North Carolina or to the Office of State Budget and Management may be allocated or reallocated by those agencies for repairs and renovations projects so long as all of the following conditions are satisfied:

- (1) Any project that receives an allocation or reallocation satisfies the requirements of subsection (a) of this section.
- (2) If the allocation or reallocation of funds from one project to another under this section is two million five hundred thousand dollars (\$2,500,000) or more for a particular project, the Office of State Budget and Management or the Board of Governors, as appropriate, consults with the Joint Legislative Commission on Governmental Operations prior to the expenditure or reallocation.
- (3) If the allocation or reallocation of funds from one project to another under this section is less than two million five hundred thousand dollars (\$2,500,000) for a particular project, the allocation or reallocation of funds is reported to the Joint Legislative Commission on Governmental Operations within 60 days of the expenditure or reallocation."

**SECTION 3.(a)** Notwithstanding G.S. 143C-5-2, there is appropriated from the State Capital and Infrastructure Fund for the 2019-2020 fiscal year the following amounts for capital improvements:

Department of Natural and Cultural Resources	
NC Zoo - Asia/Australia project	\$17,500,000
Museum of History Expansion	\$108,500,000
Western Carolina University	
Steam Plant Replacement	\$16,000,000
Elizabeth City State University	
Library Building	\$32,000,000

**SECTION 3.(b)** Notwithstanding G.S. 143C-5-2 and G.S. 143-8-13(a), there is appropriated from the State Capital and Infrastructure Fund to the Community Colleges System Office for the 2019-2020 fiscal year the following amount for a repair and renovation project:

Workforce Training Equipment	\$10,000,000
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1           **SECTION 4.** G.S. 18C-164 reads as rewritten:

2   **"§ 18C-164. Transfer of net revenues.**

3       (a) The funds remaining in the North Carolina State Lottery Fund after receipt of all  
4 revenues to the Lottery Fund and after accrual of all obligations of the Commission for prizes  
5 and expenses, excluding balance sheet adjustments or prior-period expense adjustments  
6 necessary to implement changes in accounting methods or accounting standards, shall be  
7 considered to be the net revenues of the North Carolina State Lottery Fund. The net revenues of  
8 the North Carolina State Lottery Fund shall be transferred at least four times a year to the  
9 Education Lottery Fund, which shall be created in the State treasury.

10       (b) Repealed by Session Laws 2017-57, s. 5.3(c), effective July 1, 2017.

11       (b1) Net revenues credited to the Education Lottery Fund shall be appropriated in an  
12 amount equal to the amount appropriated from the Education Lottery Fund in the Current  
13 Operations and Capital Improvements Appropriations Act of 2017.

14       (b2) Of the net revenues credited to the Education Lottery Fund, there is appropriated to  
15 the Public School Building Capital Fund the sum of one hundred million dollars (\$100,000,000)  
16 each fiscal year.

17       ~~(b3)(b3)~~ The Office of State Budget and Management shall transfer any net revenues  
18 remaining in the Education Lottery Fund after the appropriations made pursuant to ~~subsection~~  
19 subsections (b1) and (b2) of this section to the Education Lottery Reserve Fund, a special revenue  
20 fund, necessary to maintain a minimum balance in an amount equal to five percent (5%) of net  
21 revenue credited to the Education Lottery Fund from the State Lottery Fund during the previous  
22 fiscal year.

23       ~~(b3)(b4)~~ Any net revenues remaining after appropriation pursuant to ~~subsection~~  
24 subsections (b1) and (b2) of this section and transfer pursuant to subsection ~~(b2)(b3)~~ of this  
25 section are hereby appropriated to the Needs-Based Public School Capital Fund.

26       ~~(b4)(b5)~~ Notwithstanding subsection ~~(b2)(b3)~~ of this section, the minimum balance of the  
27 Education Lottery Reserve Fund may be less than the amount equal to five percent (5%) of net  
28 revenue credited to the Education Lottery Fund from the State Lottery Fund during the previous  
29 fiscal year if funds are necessary to meet the amount of net revenues appropriated pursuant to  
30 subsection-subsections (b1) and (b2) of this section.

31       (c) The General Assembly shall appropriate the remaining net revenue of the Education  
32 Lottery Fund annually in the Current Operations Appropriations Act for education-related  
33 purposes, based upon estimates of lottery net revenue to the Education Lottery Fund provided by  
34 the Office of State Budget and Management and the Fiscal Research Division of the Legislative  
35 Services Commission. A security interest shall not be granted in funds appropriated pursuant to  
36 this subsection.

37       (d) Repealed by Session Laws 2013-360, s. 6.11(c), effective June 30, 2013.

38       (e) If the actual net revenues are less than the ~~appropriation-appropriations~~ provided in  
39 subsection-subsections (b1) and (b2) of this section for that given year, then the Governor may  
40 transfer from the Education Lottery Reserve Fund an amount sufficient to equal the ~~appropriation~~  
41 appropriations provided by subsection-subsections (b1) and (b2) of this section.

42       (f) Repealed by Session Laws 2017-57, s. 5.3(c), effective July 1, 2017."

43       **SECTION 5.** This act becomes effective July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 5  
Second Edition Engrossed 2/20/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S5-CSTC-42 [v.2]  
07/08/2019 01:04:29 PM

Short Title: School Safety Omnibus.

(Public)

Sponsors:

Referred to:

January 31, 2019

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THAT SCHOOL SAFETY REQUIREMENTS APPLY TO ALL  
PUBLIC SCHOOLS, CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR  
SAFER SCHOOLS, REQUIRE LOCAL BOARDS OF EDUCATION TO REQUIRE  
PEER-TO-PEER SUPPORT PROGRAMS AT ALL SCHOOLS WITH GRADES SIX AND  
HIGHER, REQUIRE REPORTING ON THE OPERATIONAL STATUS OF ALL PUBLIC  
SCHOOLS DURING STATES OF EMERGENCY, DEFINE THE TERM "SCHOOL  
RESOURCE OFFICER" AND REQUIRE TRAINING FOR SCHOOL RESOURCE  
OFFICERS, AND REQUIRE ANNUAL VULNERABILITY ASSESSMENTS FOR EACH  
PUBLIC SCHOOL BUILDING.

The General Assembly of North Carolina enacts:

**PART I. REQUIREMENTS FOR SCHOOL SAFETY FOR ALL PUBLIC SCHOOLS**

**SECTION 1.(a)** G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 are codified into Part 1 of Article 8C of Chapter 115C of the General Statutes, Local Plans for Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools. Part 1 shall be entitled "Local Plans for Alternative Schools/Alternative Learning Programs." The remaining sections of Article 8C of Chapter 115C of the General Statutes shall be codified into Part 2, which shall be entitled "Maintaining Safe and Orderly Schools."

**SECTION 1.(b)** G.S. 115C-105.49 reads as rewritten:  
**"§ 115C-105.49. School safety exercises.**

(a) At least once annually, each ~~local school administrative~~ public school unit shall require each school under its control to hold a full school-wide tabletop exercise and drill based on the procedures documented in its School Risk Management Plan ~~(SRMP)~~ (SRMP) and shall report the date and time the drill is conducted to the Center for Safer Schools. The drill shall include a practice school lockdown due to an intruder on school grounds. Each school is encouraged to hold a tabletop exercise and drill for multiple hazards included in its SRMP. Schools are strongly encouraged to include local law enforcement agencies and emergency management agencies in their tabletop exercises and drills. The purpose of the tabletop exercises and drills shall be to permit participants to (i) discuss simulated emergency situations in a low-stress environment, (ii) clarify their roles and responsibilities and the overall logistics of dealing with an emergency, and (iii) identify areas in which the SRMP needs to be modified.

(d) The Department of Public Safety, Division of Emergency Management, and the Center for Safer Schools shall provide guidance and recommendations to ~~local school~~



1 ~~administrative public school~~ units on the types of multiple hazards to plan and respond to,  
2 including intruders on school grounds."

3 **SECTION 1.(c)** G.S. 115C-105.49A(b) reads as rewritten:

4 "(b) In constructing the SRRMS, the Division of Emergency Management and the Center  
5 for Safer Schools shall leverage the existing enterprise risk management database, the School  
6 Risk Management Planning tool managed by the Division. The Division shall also leverage the  
7 ~~local school administrative public school unit and participating nonpublic school~~ schematic  
8 diagrams of school facilities. Where technically feasible, the SRRMS shall integrate any  
9 anonymous tip lines established pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm  
10 systems authorized as part of a SRMP pursuant to G.S. 115C-47(40). The Division and the Center  
11 for Safer Schools shall collaborate with the Department of Public Instruction and the North  
12 Carolina 911 Board in the design, implementation, and maintenance of the SRRMS."

13 **SECTION 1.(d)** G.S. 115C-105.52 reads as rewritten:

14 **"§ 115C-105.52. School crisis kits.**

15 The Department of Public Instruction, in consultation with the Department of Public Safety  
16 through the North Carolina Center for Safer Schools, may develop and adopt policies on the  
17 placement of school crisis kits in schools and on the contents of those kits. The kits should  
18 include, at a minimum, basic first-aid supplies, communications devices, and other items  
19 recommended by the International Association of Chiefs of Police.

20 The principal of each school, in coordination with the law enforcement agencies that are part  
21 of the ~~local board of education's public school unit's~~ School Risk Management Plan, may place  
22 one or more crisis kits at appropriate locations in the school."

23 **SECTION 1.(e)** G.S. 115C-105.53 reads as rewritten:

24 **"§ 115C-105.53. Schematic diagrams and emergency access to school buildings for local  
25 law enforcement agencies.**

26 (a) Each ~~local school administrative public school~~ unit shall provide the following to  
27 local law enforcement agencies: (i) schematic diagrams, including digital schematic diagrams,  
28 and (ii) either keys to the main entrance of all school buildings or emergency access to key storage  
29 devices such as KNOX® boxes for all school buildings. ~~Local school administrative Public~~  
30 ~~school~~ units shall provide updates of the schematic diagrams to local law enforcement agencies  
31 when substantial modifications such as new facilities or modifications to doors and windows are  
32 made to school buildings. ~~Local school administrative Public school~~ units shall also be  
33 responsible for providing local law enforcement agencies with updated access to school buildings  
34 when changes are made to the locks of the main entrances or to key storage devices such as  
35 KNOX® boxes.

36 (b) The Department of Public Instruction, in consultation with the Department of Public  
37 Safety, shall develop standards and guidelines for the preparation and content of schematic  
38 diagrams and necessary updates. ~~Local school administrative Public school~~ units and  
39 ~~participating nonpublic schools~~ may use these standards and guidelines to assist in the  
40 preparation of their schematic diagrams.

41 ...."

42 **SECTION 1.(f)** G.S. 115C-105.54(a) reads as rewritten:

43 "(a) Each ~~local school administrative public school~~ unit shall provide the following to the  
44 Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic  
45 diagrams, including digital schematic diagrams, and (ii) emergency response information  
46 requested by the Division for the School Risk Management Plan (SRMP). ~~Local school~~  
47 ~~administrative Public school~~ units shall also provide updated schematic diagrams and emergency  
48 response information to the Division when such updates are made. The Division shall ensure that  
49 the diagrams and emergency response information are securely stored and distributed as provided  
50 in the SRMP to first responders, emergency personnel, and school personnel and approved by  
51 the Department of Public Instruction."

1           **SECTION 1.(g)** G.S. 115C-218.75(b), (d), and (e) are repealed.

2           **SECTION 1.(h)** G.S. 115C-218.75 is amended by adding a new subsection to read:

3           "(g) Each charter school shall comply with the applicable requirements of Part 2 of Article  
4 8C of this Chapter."

5           **SECTION 1.(i)** G.S. 115C-238.66(7a), (7b), (7c), and (7d) are repealed.

6           **SECTION 1.(j)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

7           "(14) Each regional school shall comply with the applicable requirements of Part 2  
8 of Article 8C of this Chapter."

9           **SECTION 1.(k)** G.S. 116-239.8(b)(10), (11), (12), and (13) are repealed.

10          **SECTION 1.(l)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

11          "(17) Laboratory schools shall comply with the applicable requirements of Part 2 of  
12 Article 8C of Chapter 115C of the General Statutes."

13          **SECTION 1.(m)** G.S. 115C-75.9 is amended by adding a new subsection to read:

14          "(h1) School Safety. – Innovative schools shall comply with the applicable requirements of  
15 Part 2 of Article 8C of Chapter 115C of the General Statutes."

16          **SECTION 1.(n)** Article 9C of Chapter 115C is amended by adding a new section to  
17 read:

18          "§ 115C-150.16. School safety.

19           A school governed by this Article shall comply with the applicable requirements of Part 2 of  
20 Article 8C of Chapter 115C of the General Statutes."

21          **SECTION 1.(o)** Article 4 of Chapter 116 is amended by adding a new section to  
22 read:

23          "§ 116-69.2. School safety.

24           The school shall comply with the applicable requirements of Part 2 of Article 8C of Chapter  
25 115C of the General Statutes."

26          **SECTION 1.(p)** G.S. 116-235 is amended by adding a new subsection to read:

27          "(j) School Safety. – The school shall comply with the applicable requirements of Part 2  
28 of Article 8C of Chapter 115C of the General Statutes."

29          **SECTION 1.(q)** G.S. 115C-551 reads as rewritten:

30          **"§ 115C-551. Voluntary participation in the State programs.**

31           (a) Any ~~such~~ private church school or school of religious charter may, on a voluntary  
32 basis, participate in any State operated or sponsored program which would otherwise be available  
33 to such school, including but not limited to the high school competency testing and statewide  
34 testing programs.

35           (b) All private church schools and all schools of religious charter are encouraged to do  
36 the following:

37           (1) School Risk Management Plan. – In coordination with local law enforcement  
38 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents  
39 of school violence. In constructing and maintaining these plans, the school  
40 may utilize the School Risk and Response Management System (SRRMS)  
41 established pursuant to G.S. 115C-105.49A. These plans are not considered a  
42 public record as the term "public record" is defined under G.S. 132-1 and shall  
43 not be subject to inspection and examination under G.S. 132-6.

44           (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and  
45 keys to the main entrance of school facilities to local law enforcement  
46 agencies, in addition to implementing the provisions in G.S. 115C-105.52.

47           (3) School safety exercises. – At least once a year, hold a full school-wide  
48 lockdown exercise with local law enforcement and emergency management  
49 agencies that are part of the private school's SRMP.

50           (4) Safety information provided to the Department of Public Safety, Division of  
51 Emergency Management. – Provide the following: (i) schematic diagrams,



including digital schematic diagrams, and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6."

**SECTION 1.(r)** G.S. 115C-559 reads as rewritten:

**"§ 115C-559. Voluntary participation in the State programs.**

(a) Any ~~such~~ qualified nonpublic school may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs.

(b) All qualified nonpublic schools are encouraged to do the following:

(1) School Risk Management Plan. – In coordination with local law enforcement agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

(2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.

(3) School safety exercises. – At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.

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

**SECTION 1.(s)** This section becomes effective when it becomes law, and applies beginning with the 2019-2020 school year.

**PART II. CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR SAFER SCHOOLS**

**SECTION 2.(a)** G.S. 115C-105.57 reads as rewritten:

**"§ 115C-105.57. Center for Safer Schools.**

(a) Center for Safer Schools Established. – There is established the Center for Safer Schools. The Center for Safer Schools shall be administratively located in the Department of Public Instruction. The Center for Safer Schools shall consist of an ~~executive director~~ Executive Director appointed by the Superintendent of Public Instruction and such other professional, administrative, technical, and clerical personnel as may be necessary to assist the Center for Safer Schools in carrying out its powers and duties.

(b) Executive Director. – The Executive Director shall report to and serve at the pleasure of the Superintendent of Public Instruction at a salary established by the Superintendent within the funds appropriated for this purpose.

(c) Powers and Duties. – The Center for Safer Schools shall have the following duties, and all other powers and duties provided in this Article.



- (1) Serve as a resource and referral center for the State by conducting research, sponsoring workshops, and providing information regarding current school safety concerns.
  - (2) Provide training and professional development for public school personnel in the development and implementation of initiatives promoting school safety.
  - (3) Maintain and disseminate information to public schools on effective school safety initiatives in North Carolina and across the nation.
  - (4) Collect, analyze, and disseminate various North Carolina school safety data.
  - (5) Provide technical and instructional assistance to facilitate the development of partnerships between the public and private sectors to promote school safety in North Carolina.
  - (6) Recommend a system of accountability to the General Assembly to document school safety exercises, including practice school lockdowns, required by G.S. 115C-105.49.
  - (7) Assist law enforcement officers assigned to schools and their agencies in active shooter response drills and other pertinent school safety-related training.
  - (8) Collaborate with the North Carolina Justice Academy, the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Sheriffs' Education and Training Standards Commission to establish and maintain updated training curriculum for school resource officers.
  - (9) Coordinate grants for school resource officers in elementary and middle schools and ensure that training requirements for school resource officers funded by those grants are met.
  - (10) Provide technical assistance to public school units in the development and implementation of initiatives promoting school safety.
- (d) Agency Cooperation. – All State agencies and departments shall cooperate with the Center for Safer Schools in carrying out its powers and duties, as necessary, in accordance with this Article. The Center of Safer Schools shall coordinate, collaborate, and seek information as necessary to carry out its duties and responsibilities from State and local government agencies, who shall provide information upon request to the Center. These agencies include the following:
- (1) Department of Public Safety.
  - (2) Department of Health and Human Services.
  - (3) Department of Public Instruction.
  - (4) North Carolina Justice Academy.
  - (5) Governor's Crime Commission.
  - (6) State Bureau of Investigation Fusion Center, Information Sharing, and Analysis Center.
  - (7) Governing bodies of public school units.
  - (8) Local law enforcement agencies.
- (e) Task Force Guidance. – The Center of Safer Schools shall receive guidance and advice from the Task Force for Safer Schools."

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

### **PART III. STATE OF EMERGENCY OPERATIONAL STATUS REPORTING**

**SECTION 3.(a)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.50. State of emergency operational reports.**

(a) For purposes of this section, the term "countywide state of emergency" means a state of emergency with a defined area covering the entirety of the jurisdiction of a county declared by any of the following:

- (1) The President of the United States, under the Stafford Act (P.L. 93-288).
- (2) The General Assembly, under G.S. 166A-19.20.
- (3) The Governor, under G.S. 166A-19.20.
- (4) The governing body of a county, under G.S. 166A-19.22.

(b) In the event of a countywide state of emergency, each public school unit in the county under the state of emergency shall report the operational status of all schools in the unit's jurisdiction to the local board of county commissioners or designee as long as the countywide state of emergency is in place."

**SECTION 3.(b)** This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

#### **PART IV. SCHOOL RESOURCE OFFICER DEFINED/TRAINING STANDARDS/REPORTS**

**SECTION 4.(a)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.70. School resource officer.**

(a) A school resource officer is any law enforcement officer assigned to one or more public schools within a public school unit, at least 20 hours per week, to assist with all of the following, consistent with any written memorandum of understanding between the public school unit and the law enforcement agency governing the school resource officer:

- (1) School safety.
- (2) School security.
- (3) Emergency preparedness.
- (4) Emergency response.
- (5) Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a school resource officer.

(b) All school resource officers must comply with any continuing education training requirements, as established by subsection (c) of this section. A law enforcement officer who did not serve as a school resource officer during the 2019-2020 school year shall also complete the initial training as established by subsection (c) of this section.

(c) The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration with the Center for Safer Schools and the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse, shall establish initial training and continuing education standards for school resource officers. These standards shall, at a minimum, include training on the following topics: mental health, students with disabilities, racial equity, and crisis intervention and de-escalation."

**SECTION 4.(b)** G.S. 17C-6(a) is amended by adding a new subdivision to read:

**"(19) Establish initial training and continuing education training standards for school resource officers, as set forth in G.S. 115C-105.70.**

**SECTION 4.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:

**"(17) Establish initial training and continuing education training standards for school resource officers, as set forth in G.S. 115C-105.70.**

**SECTION 4.(d)** The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration with the Center for Safer Schools and the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance

Abuse, shall establish initial training standards for school resource officers no later than January 15, 2020.

**SECTION 4.(e)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.71. School resource officer reports.**

(a) Each public school unit shall report by September 15, 2019, and annually thereafter, in writing to the Center for Safer Schools the number of school resource officers and the placement of each school resource officer in the public school unit. This report shall include the source of funding and method of employment for each school resource officer position.

(b) The Center for Safer Schools shall report by November 15, 2019, and annually thereafter, to the Joint Legislative Education Oversight Committee an executive summary and the disaggregated data for each public school unit regarding the information reported by public school units pursuant to subsection (a) of this section."

**SECTION 4.(f)** Subsection (a) of this section is effective when it becomes law and applies to school resource officers employed beginning with the 2020-2021 school year. The remainder of this section is effective when it becomes law.

**PART V. SCHOOL BUILDING VULNERABILITY ASSESSMENT**

**SECTION 5.(a)** Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.52A. Facility vulnerability assessments.**

(a) At least once annually, each governing body of a public school unit shall require each school under its control to complete a facility vulnerability assessment for each school building.

(b) The Center for Safer Schools, in collaboration with the Department of Public Instruction, Division of School Operations, shall develop a facility vulnerability assessment tool. This tool shall be in the form of a checklist designed to assess the potential vulnerabilities arising from day-to-day policies and procedures in the operation of school buildings. This tool shall be used by public school units when completing a facility vulnerability assessment.

(c) No governing body of a public school unit, nor its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act or omission relating to the participation in or implementation of a facility vulnerability assessment required by this section, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose any specific duty of care or standard of care."

**SECTION 5.(b)** G.S. 115C-105.49A(b), as amended by Section 1(c) of this act, reads as rewritten:

"(b) In constructing the SRRMS, the Division of Emergency Management and the Center for Safer Schools shall leverage the existing enterprise risk management database, the School Risk Management Planning tool managed by the Division. The Division shall also leverage the public school unit and participating nonpublic school schematic diagrams of school facilities. Where technically feasible, the SRRMS shall integrate any anonymous tip lines established pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm systems authorized as part of a SRMP pursuant to G.S. 115C-47(40). Where technically feasible, the SRRMS shall integrate any facility vulnerability assessments as part of an SRMP pursuant to G.S. 115C-105.52A. The Division and the Center for Safer Schools shall collaborate with the Department of Public Instruction and the North Carolina 911 Board in the design, implementation, and maintenance of the SRRMS."

**SECTION 5.(c)** This section is effective when it becomes law. The Center for Safer Schools and the Department of Public Instruction shall develop the facility vulnerability assessment tool by January 15, 2020. Each governing body of a public school unit shall require

1 each school under its control to complete a facility vulnerability assessment for each school  
2 building before the end of the 2019-2020 school year and annually thereafter.  
3

4 **PART VI. EFFECTIVE DATE**

5 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes  
6 law.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 5

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

S5-ATC-64 [v.1]

Page 1 of 1

Amends Title [NO]  
S5-CSTC-42

Date July 10, 2019

Representative Ball

moves to amend the bill on page 5, lines 4-7, by rewriting those lines to read:

- "(2) Provide training and professional development for public school personnel in the development and implementation of initiatives promoting school safety, including ensuring school personnel know how to properly engage school resource officers.
- (3) Maintain and disseminate information to public schools on effective school safety initiatives in North Carolina and across the nation, including proper engagement of school resource officer by school personnel.".

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED



\* S 5 - A T C - 6 4 - V - 1 \*





## SENATE BILL 476: Compt-Based Assess. & Mental Hlth/Teen Viol.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	July 9, 2019
<b>Introduced by:</b>	Sens. Horner, Tillman, Ballard	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to Second Edition S476-CSRQ-18		Committee Counsel

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for Senate Bill 476 removes the content of the bill and replaces it with the contents of House Bill 714, Competency-Based Assessments, and House Bill 434, Suicide Risk Ref./Mental Health/Teen Violence. The PCS would:*

- *Direct the State Board of Education (SBE) to recommend how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State.*
- *Require public school units (local boards of education, charter schools, regional schools, innovative schools, laboratory schools, and the renewal school system school) to: (i) adopt and implement a suicide risk referral protocol, (ii) adopt a mental health training program; and (iii) adopt a policy against teen dating and violence.*

### Part I: Competency-Based Assessments and Teaching Model

**ANALYSIS:** Section 1 of the PCS would direct the SBE to determine and analyze how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State. The SBE would be required to recommend transition steps that accomplish the following competency-based objectives:

- Students advance upon mastery.
- Competencies are broken down into explicit and measurable learning objectives.
- Meaningful assessments that accomplish the goals of the statewide testing program for measuring student achievement and student growth that also comply with federal fund conditions.
- Students receive differentiated support based on their learning needs.
- Learning outcomes emphasize competencies that include the application and creation of knowledge.

The SBE would have to examine (i) competency-based assessments in other states; (ii) the relationship between competency-based assessments and innovative teaching methods used in North Carolina schools; and (iii) any other considerations that the Board deems relevant to transitioning to a competency-based assessment and teaching model.

The SBE must report to the Joint Legislative Education Oversight Committee by May 15, 2020, on its analysis and recommended transition steps.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate PCS 476

Page 2

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

**BACKGROUND:** Section 8.12 of S.L. 2015-241 stated that it was the intent of the General Assembly to transition to a system of competency-based learning assessments to measure student performance and growth whenever practicable. The SBE was encouraged to evaluate the feasibility of integrating competency-based assessments for use in local school administrative units and as a part of the statewide testing program for measuring student performance and student growth.

## **Part II: Suicide Risk Referral Protocol and Mental Health Training Program**

**ANALYSIS:** Section 2 of the PCS requires public school units to adopt and implement a suicide risk referral protocol and mental health training program for school personnel who work directly with students in grades kindergarten through 12.

The suicide risk referral protocol would be required to, at a minimum, do all of the following:

- Inform school personnel of suicide risk referral procedures, including the provision of training.
- Establish crisis teams.
- Inform school personnel on how to identify and intervene in appropriate situations.

The mental health training program would be required to, at a minimum, address the following topics:

- Youth mental health.
- Suicide prevention.
- Substance abuse.
- Sexual abuse prevention.
- Sex trafficking prevention.

Public school units would be required to periodically review and update the adopted suicide risk referral protocols and mental health training programs.

Nothing in the statutory requirement for the suicide risk referral protocol and mental health training program (G.S. 115C-375.11) would impose an additional duty on any public school unit required to adopt the suicide risk referral protocol and mental health training program, or its employees, to provide referrals, suicide prevention measures, or mental health services to students of the unit. Additionally, no public school unit, members, employees, designees, agents or volunteers would be liable in civil damages to any party for any loss or damage caused by any act or omission relating to the suicide risk referral protocol or mental health training program, unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Further, nothing in the section should be construed to impose a specific duty of care or standard of care on a public school unit.

**EFFECTIVE DATE:** The section would become effective when it becomes law and would require that the suicide risk referral protocol and mental health training program be adopted and implemented by each public school unit by July 1, 2020. The referral protocol and training program must also meet the requirements developed by the Superintendent's Working Group on Health and Well Being, created pursuant to Section 5 of S.L. 2018-32, and be provided to each public school unit by the Superintendent of Public Instruction by October 15, 2019.

**BACKGROUND:** The report of the [Superintendent's Working Group on Health and Well Being](#) created pursuant to Section 5 of S.L. 2018-32 is accessible through the link in this sentence.



# Senate PCS 476

Page 3

## **Part III: Teen Dating Violence Policy**

**ANALYSIS:** Section 3 of the PCS would require each public school unit to adopt a policy against teen dating violence. The policy must do all of the following:

- Define dating violence and abuse.
- Prohibit dating violence and abuse by any student on school property, including during a school-sponsored activity or during school-sponsored transportation.
- Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.
- Be implemented in a manner that is integrated with the discipline policies of the school.

Additionally, schools would be required to provide instruction on teen dating violence and abuse. If the school has a reproductive health and safety education program, instruction on dating violence and abuse must be incorporated into that program. Each public school unit is required to adopt and implement a policy by July 1, 2020, and to provide instruction on dating violence and abuse beginning with the 2020-2021 school year.

**EFFECTIVE DATE:** The section would be effective when it becomes law and each public school unit is required to adopt and implement a policy by July 1, 2020, and to provide instruction on dating violence and abuse beginning with the 2020-2021 school year.

## **Part IV: Effective date**

Except as otherwise provide in the bill, the act becomes effective when it becomes law.

*\*Samantha Yarborough, Committee Counsel, substantially contributed to this summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

2

SENATE BILL 476  
Education/Higher Education Committee Substitute Adopted 4/10/19

Short Title: Reaffirm Local Control of Discipline Policies.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED  
AN ACT TO REAFFIRM LOCAL CONTROL OVER STUDENT DISCIPLINE POLICIES  
NOT INCONSISTENT WITH STATE AND FEDERAL LAW.

Whereas, it is the intent of the General Assembly, in accordance with Article 27 of Chapter 115C of the General Statutes, to create and maintain a safe and orderly school environment in which students are taught to respect themselves, others, and property, and to conduct themselves in a manner that fosters their own learning and the learning of those around them; and

Whereas, the General Assembly believes that, in order to achieve these goals, teachers, parents, local boards of education, and community stakeholders must play a significant role in developing and enforcing student discipline policies adopted in their local school administrative units; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Local boards of education with student discipline policies based on any of the following statements of policy and guidance, promulgated by the United States Department of Justice and the United States Department of Education on January 8, 2014, and withdrawn by those same agencies on December 21, 2018, shall repeal those policies and adopt new policies in accordance with local standards of conduct, Article 27 of Chapter 115C of the General Statutes, and current federal law:

- (1) Dear Colleague Letter on Nondiscriminatory Administration of School Discipline, dated January 8, 2014.
- (2) Overview of the Supportive School Discipline Initiative, dated January 8, 2014.
- (3) Guiding Principles: A Resource Guide for Improving School Climate and Discipline, dated January 8, 2014.
- (4) Appendix 1: U.S. Department of Education Directory of Federal School Climate and Discipline Resources, dated January 8, 2014.
- (5) Appendix 2: Compendium of School Discipline Laws and Regulations for the 50 States, Washington, D.C., and Puerto Rico, dated January 8, 2014.
- (6) School Discipline Guidance Package FAQs, dated January 8, 2014.

**SECTION 1.(b)** Student discipline policies adopted in accordance with this section shall comply with all applicable State and federal statutory and constitutional nondiscrimination requirements.

**SECTION 1.(c)** G.S. 115C-390.2(a) reads as rewritten:

"(a) Local boards of ~~education-education~~, in consultation with teachers, school-based administrators, parents, and local law enforcement agencies, shall adopt policies to govern the



1 conduct of students and establish procedures to be followed by school officials in disciplining  
2 students. These policies shall be based on local standards of conduct and must be consistent with  
3 the provisions of this Article and the constitutions, statutes, and regulations of the United States  
4 and the State of North Carolina. These policies need not be consistent with interpretations of  
5 federal law promulgated by federal agencies that have been withdrawn by those agencies."

6 **SECTION 1.(d)** G.S. 115C-390.2 is amended by adding a new subsection to read:

7 "(a1) No later than September 1 of each year, each local board of education shall provide  
8 the Department of Public Instruction with a copy of its most up-to-date student discipline  
9 policies."

10 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
11 the 2019-2020 school year. Sections 1(b) and 1(c) of this act apply to student discipline policies  
12 adopted on or after the effective date of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

D

SENATE BILL 476  
Education/Higher Education Committee Substitute Adopted 4/10/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S476-CSRQ-18 [v.3]

07/08/2019 01:32:16 PM

Short Title: Compt-Based Assess. & Mental Hlth/Teen Viol.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED  
AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO RECOMMEND STEPS  
NECESSARY TO TRANSITION TO A COMPETENCY-BASED ASSESSMENT AND  
TEACHING MODEL FOR ALL ELEMENTARY AND SECONDARY STUDENTS IN  
NORTH CAROLINA; AND TO REQUIRE PUBLIC SCHOOL UNITS TO ADOPT AND  
TO IMPLEMENT A SUICIDE RISK REFERRAL PROTOCOL, A MENTAL HEALTH  
TRAINING PROGRAM, AND A POLICY AGAINST TEEN DATING VIOLENCE AND  
ABUSE.

The General Assembly of North Carolina enacts:

**PART I: COMPETENCY-BASED ASSESSMENTS AND TEACHING MODEL**

**SECTION 1.(a)** Pursuant to the intent of the General Assembly expressed in Section 8.12 of Session Law 2015-241, the State Board of Education shall determine and analyze the steps necessary to transition to a competency-based assessment and teaching model for all elementary and secondary students. Based on its analysis, the State Board shall recommend transition steps that accomplish the following competency-based objectives:

- (1) Students advance upon mastery.
- (2) Competencies are broken down into explicit and measurable learning objectives.
- (3) Assessment is meaningful for students, accomplishes the goals of the statewide testing program for measuring student achievement and student growth, and complies with the conditions of federal grant funds.
- (4) Students receive differentiated support based on their learning needs.
- (5) Learning outcomes emphasize competencies that include the application and creation of knowledge.

In conducting its analysis, the State Board shall examine (i) competency-based assessments in other states, including potential benefits and obstacles to implementing similar systems in North Carolina, (ii) the relationship between competency-based assessments and innovative teaching methods utilized in North Carolina schools, and (iii) any other considerations the Board deems relevant to transitioning to a competency-based assessment and teaching model. No later than May 15, 2020, the State Board shall submit a report of its analysis and recommended transition steps to the Joint Legislative Education Oversight Committee.

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



\* S 4 7 6 - C S R Q - 1 8 \*

**PART II: SUICIDE RISK REFERRAL PROTOCOL AND MENTAL HEALTH TRAINING PROGRAMS**

**SECTION 2.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

"(64) To adopt a suicide risk referral protocol and a mental health training program. – Each local board of education shall adopt and implement a suicide risk referral protocol and a mental health training program for school personnel who work directly with students in grades kindergarten through 12, as required by G.S. 115C-375.11."

**SECTION 2.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

"(g) Suicide Risk Referral Protocol and Mental Health Training Program. – A charter school shall adopt and implement a suicide risk referral protocol and a mental health training program in accordance with G.S. 115C-375.11."

**SECTION 2.(c)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(14) Suicide risk referral protocol and mental health training program. – The board of directors shall adopt and implement a suicide risk referral protocol and a mental health training program in accordance with G.S. 115C-375.11."

**SECTION 2.(d)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(17) Suicide risk referral protocol and mental health training program. – The chancellor shall adopt and ensure implementation of a suicide risk referral protocol and a mental health training program in accordance with G.S. 115C-375.11."

**SECTION 2.(e)** The title of Article 25A of Chapter 115C of the General Statutes reads as rewritten:

"Article 25A.

"Special Medical Needs and Mental Health Needs of Students."

**SECTION 2.(f)** Article 25A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-375.11. Suicide risk referral protocol and mental health training program required."

(a) Each public school unit shall adopt and implement a suicide risk referral protocol for school personnel who work directly with students in grades kindergarten through 12. The protocol shall, at a minimum, do all of the following:

- (1) Inform school personnel of suicide risk referral procedures, including the provision of training.
- (2) Establish crisis teams.
- (3) Inform school personnel on how to identify and intervene in appropriate situations.

(b) Each public school unit shall adopt and implement a mental health training program for school personnel who work directly with students in grades kindergarten through 12. The mental health training program adopted by a public school unit shall address the following topics:

- (1) Youth mental health.
- (2) Suicide prevention.
- (3) Substance abuse.
- (4) Sexual abuse prevention.
- (5) Sex trafficking prevention.

(c) Public school units shall periodically review and update their adopted suicide risk referral protocols and mental health training programs, as necessary.

(d) Nothing in this section shall be construed to impose an additional duty on any public school unit or its employees, to provide referrals, suicide prevention measures, or mental health services to students of the unit.

(e) No public school unit or its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act or omission relating to the provision of, participation in, or implementation of any component of a suicide risk referral protocol or mental health training program required by this section, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose any specific duty of care or standard of care on an public school unit."

**SECTION 2.(g)** This section is effective when it becomes law. Each public school unit required by Section 2.(a), (b), (c), and (d) to adopt and implement a suicide risk referral protocol and mental health training program shall do so by July 1, 2020. The suicide risk referral protocols and mental health training programs adopted by each public school unit shall meet the requirements developed by the Superintendent's Working Group on Health and Well Being pursuant to Section 5 of S.L. 2018-32. The Superintendent of Public Instruction shall ensure that a copy of these requirements is made available to each public school unit by October 15, 2019.

### **PART III: TEEN DATING VIOLENCE POLICY**

**SECTION 3.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

"(65) To Adopt a Policy Against Teen Dating Violence. – Each local board of education shall adopt and implement a dating violence and abuse policy. The policy shall do all of the following:

- a. Define dating violence and abuse.
- b. Prohibit dating violence and abuse by any student on school property, including during a school-sponsored activity or during school-sponsored transportation.
- c. Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.
- d. Be implemented in a manner that is integrated with the discipline policies of the school."

**SECTION 3.(b)** G.S. 115C-81.30(a) is amended by adding a new subdivision to read:

"(14) Teach about dating violence and abuse, as defined in the local board policy adopted under G.S. 115C-47(65)."

**SECTION 3.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

"(h) Policy Against Teen Dating Violence. – A charter school shall adopt and implement a dating violence and abuse policy. The policy shall do all of the following:

- (1) Define dating violence and abuse.
- (2) Prohibit dating violence and abuse by any student on school property, including during a school-sponsored activity or during school-sponsored transportation.
- (3) Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.
- (4) Be implemented in a manner that is integrated with the discipline policies of the school."

**SECTION 3.(d)** G.S. 115C-218.85(a) is amended by adding a new subdivision to read:

"(6) The school shall teach about dating violence and abuse, as defined in the policy adopted under G.S. 115C-218.75(h). If the school has a reproductive

health and safety education program, instruction on dating violence and abuse shall be incorporated into the program."

**SECTION 3.(e)** G.S. 115C-238.66 is amended by adding a new subdivision to read:  
"(15) Policy against teen dating violence. – The board of directors shall adopt and implement a dating violence and abuse policy. The policy shall do all of the following:

- a. Define dating violence and abuse.
- b. Prohibit dating violence and abuse by any student on school property, including during a school-sponsored activity or during school-sponsored transportation.
- c. Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.
- d. Be implemented in a manner that is integrated with the discipline policies of the school."

**SECTION 3.(f)** G.S. 115C-238.66(1) is amended by adding a new sub-subdivision to read:

- "f. The board of directors shall ensure that instruction on dating violence and abuse is provided, as defined in the policy adopted under G.S. 115C-238.66(15). If the school has a reproductive health and safety education program, instruction on dating violence and abuse shall be incorporated into the program."

**SECTION 3.(g)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:  
"(18) Policy against teen dating violence. – The chancellor shall adopt and ensure implementation of a dating violence and abuse policy. The policy shall do all of the following:

- a. Define dating violence and abuse.
- b. Prohibit dating violence and abuse by any student on school property, including during a school-sponsored activity or during school-sponsored transportation.
- c. Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.
- d. Be implemented in a manner that is integrated with the discipline policies of the school."

**SECTION 3.(h)** G.S. 116-239.8(b)(2) is amended by adding a new sub-subdivision to read:

- "e. The board of directors shall ensure that instruction on dating violence and abuse is provided, as defined in the policy adopted under G.S. 115C-239.8(b)(18). If the school has a reproductive health and safety education program, instruction on dating violence and abuse shall be incorporated into the program."

**SECTION 3.(i)** This section is effective when it becomes law. Each public school unit required by Sections 3.(a), (c), (e), and (g) to adopt and implement a policy against teen dating violence shall do so by July 1, 2020. Each public school unit required by Sections 3.(b), (d), (f), and (h) to provide instruction on dating violence and abuse shall do so beginning with the 2020-2021 school year.



**PART IV: EFFECTIVE DATE**

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





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 476

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

Page 1 of 2

S476-ARQ-21 [v.2]

Amends Title [NO]  
S476-CSRQ-18[v.3]

Date July 10, 2019

Representative Horn

moves to amend the bill on page 2, lines 48-49 by inserting the following between those lines:

"(d) For the purposes of this section, "school personnel" are teachers, instructional support personnel, principals, and assistant principals. This term may also include, in the discretion of the public school unit, other school employees who work directly with students in grades kindergarten through 12.";

And on page 2, line 49 by changing "(d)" to "(e)";

And on page 3, line 1, by changing "(e)" to "(f)";

And on page 3, lines 8-14 by rewriting the lines to read:

**"SECTION 2.(g)** The State Board of Education shall adopt a school-based model suicide risk referral protocol and model mental health training program in accordance with this act not later than December 1, 2020. The model suicide risk referral protocol and model mental health training program shall meet the requirements developed by the Superintendent's Working Group on Health and Well Being in its October 15, 2018, report pursuant to Section 5 of S.L. 2018-32. Each public school unit required by Section 2.(a), (b), (c), and (d) to adopt and implement a suicide referral protocol and mental health training program shall do so by July 1, 2021. A public school unit may use the model suicide risk referral protocol and model mental



\* S 4 7 6 - A R Q - 2 1 - V - 2 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 476**

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

S476-ARQ-21 [v.2]

Page 2 of 2

- 1 health training program developed by the State Board of Education, modify the State Board of  
2 Education models, or develop their own models.

3 **SECTION 2.(h)** This section is effective when it becomes law."  
4  
5

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

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FAILED

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TABLED

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# SENATE BILL 301: Regional School Modifications.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	July 9, 2019
<b>Introduced by:</b>	Sen. Brown	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition S301-CSTC-41		Committee Counsel

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**OVERVIEW:** *The 1st edition of Senate Bill 301 would remove the date for the Joint Legislative Education Oversight Committee to make recommendations to the General Assembly regarding a withdrawal process for participating units from a regional school, and direct that the transportation provided to students in regional schools continue in a substantially similar way as provided in the 2018-2019 school year.*

*The PCS for SB 301 would remove the contents of the 1st edition of SB 301 and would create a withdrawal process for participating units from a regional school.*

**CURRENT LAW:** G.S. 115C-238.62 establishes that process for creation and expansion of regional schools. A regional school is created when 2 or more local boards of education adopt a resolution stating the intent to create a regional school, including the name of the school, the other local boards of education adopting a resolution, and identification of the local school administrative unit that will serve as the finance agent and provide school food services for the regional school. Once adopted, local boards of education must file the resolution with the State Board of Education (SBE), who must then approve the creation of the regional school.

A local board of education may also adopt an intent to join an existing regional school and file a copy of the resolution with the SBE. Following receipt of the petition, and after receiving comment from the regional school board of directors (BoD), the SBE may approve the expansion of the regional school.

**BILL ANALYSIS:** The PCS for SB 301 would create the following process for withdrawal from a regional school by a local board of education that is currently participating in the regional school (participating unit):

- **Adoption of Withdrawal Resolution:** The participating unit must adopt a resolution requesting withdrawal from the regional school, and submit the resolution to the regional school BoD. The resolution must include the name of the school, names of all participating units, and the withdrawal plan, including a timeline for implementation ensuring that all students from the participating unit currently enrolled in the regional school may remain enrolled until graduation.
- **BoD Consideration of Withdrawal Resolution:**
  - At the next meeting more than 10 days after receipt of the resolution, the regional school BoD must provide an opportunity for public comment on the resolution.
  - Following public comment, the regional school BoD may conditionally approve the withdrawal resolution with a vote of at least two-thirds of the membership.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate PCS 301

Page 2

- Upon conditional approval, the regional school BoD must submit the resolution to the SBE.
- **SBE Consideration of Resolution:**
  - At the next meeting more than 10 days after receipt of the resolution, the SBE must provide an opportunity for public comment on the resolution.
  - Following public comment, the SBE may grant final approval of the withdrawal resolution by a majority vote and authorize the participating unit to begin implementation of the withdrawal plan.

The statute would clarify that participating units cannot withdraw except through the newly created process. Until receipt of final approval from the SBE, the participating unit would continue to receive allotments for student seats, transfer local funds to the regional school, provide transportation substantially similar to the transportation provided to students in the prior school year, and comply with all other requirements for regional schools.

SB 301 would apply to all participating units in regional schools. Any action by a local board of education to withdraw from a regional school or terminate participation in a regional school, except as provided in the bill, would be deemed null and void if that local board of education had previously adopted a resolution to create or join a regional school that was approved by the SBE.

**EFFECTIVE DATE:** SB 301 would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

1

SENATE BILL 301

Short Title: Regional School Transportation. (Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 20, 2019

A BILL TO BE ENTITLED

AN ACT TO EXTEND STUDY OF CURRENT STATUTES ON REGIONAL SCHOOLS AND  
CLARIFY REQUIREMENTS FOR TRANSPORTATION FOR PARTICIPATING UNITS  
IN AN APPROVED REGIONAL SCHOOL.

The General Assembly of North Carolina enacts:

**SECTION 1.** S.L. 2018-5, Sec. 7.16, reads as rewritten:

"**SECTION 7.16.(a)** The Joint Legislative Education Oversight Committee shall study the current statutory requirements for the formation, approval, and expansion of regional schools and shall study the issue of whether a withdrawal process for participating units from a regional school should be added to the statutes governing regional schools. The Committee shall make recommendations on any statutory changes ~~no later than January 15, 2019,~~ to the General Assembly.

"**SECTION 7.16.(b)** No participating unit in an approved regional school currently operating in the State shall withdraw from the regional school unless the General Assembly, following the review and recommendations of the Joint Legislative Education Oversight Committee, provides a statutory process for such withdrawal. Participating units shall continue to (i) receive allotments for student seats, (ii) transfer local funds to the regional school, (iii) provide transportation, transportation substantially similar to the transportation provided to students in the 2018-2019 school year, and (iv) comply with all other requirements of Part 10 of Article 16 of Chapter 115C of the General Statutes for participating units.

"**SECTION 7.16.(c)** This section is effective when this act becomes law."

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



\* S 3 0 1 - V - 1 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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D

SENATE BILL 301  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S301-CSTC-41 [v.4]

07/08/2019 05:12:37 PM

Short Title: Regional School Modifications.

(Public)

Sponsors:

Referred to:

March 20, 2019

A BILL TO BE ENTITLED  
AN ACT TO CLARIFY CURRENT STATUTES ON WITHDRAWAL OF PARTICIPATING  
UNITS FROM REGIONAL SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.62 reads as rewritten:

"§ 115C-238.62. Creation and expansion of regional school schools, and withdrawal from regional schools by participating units.

(a) Resolution to Create a Regional School. – Any two or more local boards of education may create a regional school as provided in this Part. In order to create a regional school, each local board of education shall adopt a resolution stating its intent to create the regional school, which shall include the following:

- (1) Name of the regional school.
- (2) Names of all other local boards of education known to that local board of education adopting resolutions to create the regional school.
- (3) Identification of one of the named local school administrative units to serve as the finance agent for the regional school.
- (4) Identification of one of the named local school administrative units to provide, to the extent practicable, school food services to the regional school, if needed.

The local board of education shall develop a plan to provide transportation to the students domiciled in the district.

(b) Recognition of Regional School. – Each local board of education that adopts a resolution as provided in this section shall file a copy of the resolution with the State Board of Education. Upon receipt of resolutions from all local boards of education identified in each resolution for a named regional school, the State Board of Education shall approve the creation of the regional school.

(c) Expansion of Regional School. – A local board of education may adopt a resolution stating its intent to join an existing regional school, which shall include the name of the regional school and the names of all other local boards of education which have previously adopted resolutions to create the regional school. The local board of education shall file a copy of the resolution with the State Board of Education. Following receipt of the petition and after receiving comment from the regional school board of directors, the State Board of Education may approve the expansion of the regional school.

(d) Withdrawal from Regional School. – A participating unit may seek withdrawal from a regional school as follows:

- (1) Adoption of Resolution. – A participating unit may adopt a resolution requesting withdrawal from an existing regional school and submit a copy of



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the resolution to the regional school board of directors. The resolution shall include the following:

- a. The name of the regional school.
- b. The names of all participating units in the regional school.
- c. The withdrawal plan, including a timeline for implementation that ensures that all students from the participating unit who are currently enrolled in the regional school may remain enrolled in the regional school until graduation.

(2) Board of Directors Consideration of Resolution. – Upon receipt of a withdrawal resolution, the following shall occur:

- a. The board of directors shall, at its next meeting held more than 10 days after receipt of the resolution, provide an opportunity for public comment on the resolution.
- b. Following public comment, the board of directors may conditionally approve the withdrawal resolution with a vote of at least two-thirds of the membership of the board of directors, subject to consideration by the State Board of Education.
- c. Upon approval of a withdrawal resolution by the board of directors, the board of directors shall submit the approved resolution to the State Board of Education.

(3) State Board of Education Consideration of Resolution. – Upon receipt of a withdrawal resolution conditionally approved by the board of directors, the following shall occur:

- a. The State Board of Education shall, at its next meeting held more than 10 days after receipt of the resolution, provide an opportunity for public comment on the resolution.
- b. Following public comment, the State Board of Education may grant final approval of the withdrawal resolution by a majority vote of the State Board of Education and, upon final approval, shall authorize the participating unit to begin implementation of the withdrawal plan.

(4) No Withdrawal without Approval. – No participating unit that has created or joined a regional school may withdraw from the school except as provided in this subsection. A participating unit shall continue all of the following until that unit receives final approval for withdrawal from the State Board of Education:

- a. Receipt of allotments for student seats.
- b. Transfer of local funds to the regional school.
- c. Provision of transportation substantially similar to the transportation provided to students in the prior school year.
- d. Compliance with all other requirements of this Part.

**SECTION 2.** This act applies to all participating units in regional schools. Any action by a local board of education to withdraw from a regional school or terminate participation in a regional school except as provided in this act is deemed null and void if that local board of education has previously adopted a resolution to create or join a regional school as provided in G.S. 115C-238.62 that was approved by the State Board of Education.

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



## SENATE BILL 522: Low-Performing Schools.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	July 10, 2019
<b>Introduced by:</b>	Sen. Tillman	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	PCS to Third Edition S522-CSTC-45		Committee Counsel

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**OVERVIEW:** *SB 522 would make various changes to charter school laws. The PCS would delete the contents of SB 522 and instead do the following:*

- Change the selection process for schools in the Innovative School District (ISD).
- Make additional changes to the ISD statutes.
- Require additional reporting by local boards of education to county commissioners on the academic performance of certain schools.
- Require additional study on changes to the ISD and statutes related to low-performing schools.

**CURRENT LAW:** Article 7A of the Chapter 115C establishes the Innovative School District (ISD). Schools are selected by the State Board of Education (SBE) to be supervised in the ISD if they meet qualifying criteria and are recommended by the ISD Superintendent. To qualify, the school must be a low-performing school that meets one of the following criteria:

- a) The school earned an overall school performance grade in the lowest 5% of all schools in the prior school year that met all of the following:
  1. Served students in kindergarten through fifth grade (K-5).
  2. Did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years.
  3. Was not using a continually low-performing school reform model.
- b) The school (i) received a school performance score in the lowest ten percent (10%) of all schools in the prior school year that included all or part of grades kindergarten through fifth and (ii) was designated by the local board of education (LBE) for consideration by the SBE as an innovative school.

Once selected, a LBE may either transfer the school to the ISD or close the school. The SBE may select up to 5 schools statewide to include in the ISD. Once transferred to the ISD, the school becomes an innovative school. The SBE must select an innovative school operator (IS operator), an entity that meets certain criteria related to improving student performance, to operate the school for a period of 5 years. If no IS operator can be found, the ISD may serve as the operator.

LBEs with schools transferred to the ISD may request to create an innovation zone that may include up to 3 continually low-performing schools or all low-performing schools if that is more than 35% of the unit. Low-performing schools in innovation zones become an innovative school if the school does not exceed expected growth in the last 2 of the 5 consecutive years in the innovation zone.

Karen Cochrane-Brown  
Director



Legislative Analysis  
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# Senate PCS 522

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**BILL ANALYSIS:** The PCS would make the following changes to the ISD:

- **Definition of Qualifying School:** Replace the current definition of a qualifying school to instead be a school in the lowest performing 5% of school performance grades of all schools receiving Title I funds. A Title I school is a school that is (i) governed by a local board of education and (ii) receives funds under Title I.
- **Selection from 2019-2020 to 2022-2023:** Require, for each year from 2020-2021 through 2022-2023, that the SBE transfer to the ISD the lowest scoring qualifying school in the State, based on the school performance score.
- **Selection Process Beginning with 2023-2024:** Beginning with selection of schools for the 2023-2024 school year, require the SBE to select innovative schools as follows:
  - **Lists:** Schools would be placed on two lists before being transferred into the ISD.
    - **Year 1 - Watch List:** Notice would be given to the superintendent and local board of the status, along with considerations for improvement. The local board must notify parents of (i) the school's status, (ii) potential impacts of the designation, (iii) plans for improvement, and (iv) any additional information deemed necessary by the local board.
    - **Year 2 – Warning List:** If the school was on the watch list in the prior year, and still meets the definition of a qualifying school, the school would be moved to a warning list. Notice and considerations for improvement would be provided, and the LBE would hold a public hearing to share information with parents and employees about potential impacts of the designation, including the possibility of becoming an innovative school, and plans for improvement of the school. The ISD Superintendent, or designee, would also present at the public hearing to provide information to parents, teachers, and community members on the ISD selection process, as well as resources for comprehensive support and improvement to assist in plans for improvement of the school. The LBE would also present information at a regularly scheduled public meeting to the county commissioners on the school's performance and efforts by the LBE to improve the school's performance. The ISD Superintendent would also be provided the opportunity to present as part of that meeting.
    - **Year 3 – Selection:** If the school (i) was on the warning list in the prior year, and still meets the definition of a qualifying school, and (ii) is one of the lowest 5 qualifying schools on the ISD warning list, as measured by school performance scores, the SBE must select the school to transfer to the ISD.
    - **Voluntary Selection:** A LBE, upon the recommendation of the ISD Superintendent, could request the SBE to select a qualifying school for transfer to the ISD at any time.
  - **Support:** The SBE would be required to ensure that qualifying schools are engaged in strategies in compliance with federal and State law for comprehensive support and improvement, and the ISD Superintendent would be required to monitor those schools and assist LBEs in identifying funding, strategies, and partners for comprehensive support and improvement efforts.
- **Innovation Zones:** The following changes would be made:
  - Would enable the LBE to move low-performing schools into an innovation zone, even if it had less than 35% low-performing schools.
  - Would compare innovation zone schools against other low-performing (rather than continually low-performing) schools for performance comparisons.
  - Would require consultation with the ISD Superintendent in selecting the leader of the innovation zone office.
  - Would delete the requirement that a low-performing school in an innovation zone that did not exceed growth in the final 2 years of the zone become an innovative school.
- **Additional ISD Changes:**

# Senate PCS 522

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- The prohibition on DPI serving as an IS operator, except when no IS operator was available, would be removed.
- The SBE could select up to 5 qualifying schools annually into the ISD, rather than 5 total.
- The timeline for selection of innovative operators or consultants would be moved from January 15 to December 15, and pairing with an innovative school from February 15 to January 15.
- Would change one method of qualification for IS operators or consultants from a record of performance with persistently low-performing schools or students, to a record of performance with low-performing schools or students.
- Would require the IS operator to collaborate with the ISD Superintendent on certain matters, such as hiring or removal of the school principal, and entering into funding memorandums of understanding.
- Would allow, if a LBE of another school unit was selected as an operator, the employees to become employees of that LBE, rather than the ISD.
- Would allow a teacher at a school selected to be an innovative school to retain career status if the teacher taught at the ISD school and then returned to the same LBE at the end of the ISD employment.
- **County Commissioner Reporting Changes:** LBEs, when submitting the annual budget request to the county commissioners, would be required to also submit the academic performance of schools in the local school administrative unit, including school performance grades, of all schools identified as low-performing, continually low-performing, or includes on an ISD list, and the LBE's efforts to improve those schools. If requested, the LBE would present the academic performance information at a public meeting.
- **Additional Studies.** – The State Superintendent and ISD Superintendent would jointly study and report to the Joint Legislative Education Oversight Committee, by March 15, 2020, on the following:
  - Options for innovative schools, including structures and partnerships to provide the most effective options and ensure flexibility for those schools.
  - Reforms of low-performing school models to align current statutory requirements for low-performing and continually low-performing schools with other State and federal reform efforts to create a comprehensive and efficient approach that avoids redundancies.

**EFFECTIVE DATE:** The PCS would become effective when it becomes law and would apply to schools identified beginning with data from the 2018-2019 school year as qualifying schools for the 2019-2020 school year.

*\*Kara McCraw, co-counsel to the House Committee on Education (K-12), substantially contributed to this summary.*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 522  
Education/Higher Education Committee Substitute Adopted 5/6/19  
Third Edition Engrossed 5/8/19

Short Title: Various Changes to Charter School Laws.

(Public)

Sponsors:

Referred to:

April 3, 2019

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 IV. CLARIFY CHARTER SCHOOL RENEWAL STANDARDS**

**SECTION 4.1.** G.S. 115C-218.6 reads as rewritten:

**"§ 115C-218.6. Review and renewal of charters.**

(a) The State Board of Education shall review the operations of each charter school at least once prior to the expiration of its charter to ensure that the school is meeting the expected academic, financial, and governance standards.

(b) The State Board of Education shall renew a charter upon the request of the chartering entity for subsequent periods of 10 years, unless one of the following applies:

(1) The charter school has not provided financially sound audits for the immediately preceding three years.

(2) ~~The charter school's student academic outcomes for the immediately preceding three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.~~ The percent of students who scored at or above proficient for all end-of-grade and end-of-course tests taken in the previous school year, as required by G.S. 115C-174.11(c)(1), is at least five percentage points lower in the charter school than in the local school administrative unit where the charter school is located.

(3) The charter school is not, at the time of the request for renewal of the charter, substantially in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

If one of the conditions set forth in subdivisions (1) through (3) of this subsection applies, then the State Board may renew the charter for a period of less than 10 years or not renew the charter."

**SECTION 4.2.** This Part applies to applications for the renewal of the charter of a charter school submitted on or after the effective date of this act.

**PART V. APPLICATION BACKGROUND CHECK STANDARDS**

**SECTION 5.(a)** G.S. 115C-218.1 reads as rewritten:



1   **"§ 115C-218.1. Eligible applicants; contents of applications; submission of applications for**  
2       **approval.**

3       (a) Any nonprofit corporation seeking to establish a charter school may apply to establish  
4 a charter school. If the applicant seeks to convert a public school to a charter school, the  
5 application shall include a statement signed by a majority of the teachers and instructional support  
6 personnel currently employed at the school indicating that they favor the conversion and evidence  
7 that a significant number of parents of children enrolled in the school favor conversion.

8       (b) The application shall contain at least the following information:

- 9           (1) A description of a program that implements one or more of the purposes in  
10           G.S. 115C-218.
- 11           (2) A description of student achievement goals for the school's educational  
12           program and the method of demonstrating that students have attained the skills  
13           and knowledge specified for those student achievement goals.
- 14           (3) The governance structure of the school including the names of the initial  
15           members of the board of directors of the nonprofit, tax-exempt corporation  
16           and the process to be followed by the school to ensure parental involvement.  
17           A teacher employed by the board of directors to teach in the charter school  
18           may serve as a nonvoting member of the board of directors for the charter  
19           school.
- 20           (4) The local school administrative unit in which the school will be located.
- 21           (5) Admission policies and procedures.
- 22           (6) A proposed budget for the school and evidence that the financial plan for the  
23           school is economically sound.
- 24           (7) Requirements and procedures for program and financial audits.
- 25           (8) A description of how the school will comply with G.S. 115C-218.20,  
26           115C-218.25, 115C-218.30, 115C-218.40, 115C-218.45, 115C-218.50,  
27           115C-218.55, 115C-218.60, 115C-218.65, 115C-218.70, 115C-218.75,  
28           115C-218.80, 115C-218.85, and 115C-218.90.
- 29           (9) Types and amounts of insurance coverage, including bonding insurance for  
30           the principal officers of the school, to be obtained by the charter school.
- 31           (10) The term of the charter.
- 32           (11) The qualifications required for individuals employed by the school.
- 33           (12) The procedures by which students can be excluded from the charter school  
34           and returned to a public school. Notwithstanding any law to the contrary, any  
35           local board may refuse to admit any student who is suspended or expelled  
36           from a charter school due to actions that would lead to suspension or expulsion  
37           from a public school under G.S. 115C-390.5 through G.S. 115C-390.11 until  
38           the period of suspension or expulsion has expired.
- 39           (13) The number of students to be served, which number shall be at least 80, and  
40           the minimum number of teachers to be employed at the school, which number  
41           shall be at least three. However, the charter school may serve fewer than 80  
42           students or employ fewer than three teachers if the application contains a  
43           compelling reason, such as the school would serve a geographically remote  
44           and small student population.
- 45           (14) Information regarding the facilities to be used by the school and the manner  
46           in which administrative services of the school are to be provided.
- 47           (15) The process for conducting a weighted lottery that reflects the mission of the  
48           school if the school desires to use a weighted lottery.
- 49           (16) A nationwide criminal background check for each member of the board of  
50           directors of the proposed charter school to ensure that the member has not  
51           been convicted, at a minimum, of any crime listed in G.S. 115C-332 or a

substantially similar crime in another state. The criminal background check shall include all of the following components:

- a. A Social Security number trace, including locations returned on at least a county-by-county basis.
- b. Any known aliases.

(17) A certification from each member of the board of directors certifying whether the board member has been convicted of any felony or misdemeanor. If the board member has been convicted of a felony or misdemeanor, the certification shall include a listing of the year of the charge, the charge, and the disposition of the charge.

(c) The State Board shall establish reasonable fees of no less than five hundred dollars (\$500.00) and no more than one thousand dollars (\$1,000) for initial and renewal charter applications, in accordance with Article 2A of Chapter 150B of the General Statutes. No application fee shall be refunded in the event the application is rejected or the charter is revoked."

**SECTION 5.(b)** This Part applies to applications for initial charters received on or after the effective date of this act.

## **PART VIII. REMOVE THE CAP ON ENROLLMENT GROWTH OF VIRTUAL CHARTER SCHOOLS PARTICIPATING IN THE VIRTUAL CHARTER SCHOOL PILOT PROGRAM**

**SECTION 8.1.** Section 8.35(b) of S.L. 2014-100, as amended by Section 7.13 of S.L. 2018-5, reads as rewritten:

"**SECTION 8.35.(b)** The virtual charter schools participating in the pilot program authorized by this section shall be subject to the statutes and rules applicable to charter schools pursuant to Article 14A of Chapter 115C of the General Statutes, except as follows:

- (1) The maximum student enrollment in any participating school shall be no greater than 1,500 in its first year of operation and may increase annually by twenty percent (20%) for each participating ~~school up to a maximum student enrollment of 2,592 in the fourth year of the pilot school.~~ The State Board of Education may ~~waive-increase~~ this maximum student enrollment threshold, beginning in the fourth year of the school's operation, if the State Board determines that doing so would be in the best interest of North Carolina students.
- (2) The maximum overall ratio of teachers to students for kindergarten through eighth grade shall be 1:50, and for ninth through twelfth grade shall be 1:150.
- (3) A student who regularly fails to participate in courses may be withdrawn from enrollment pursuant to procedures adopted by the virtual charter school. The procedures adopted by the virtual charter school shall ensure that (i) fair notice is provided to the parent and student and (ii) an opportunity is provided, prior to withdrawal of the student by the school, for the student and parent to demonstrate that failure to participate in courses is due to a lawful absence recognized under Part I of Article 26 of Chapter 115C of the General Statutes and any applicable rules adopted by the State Board of Education."

**SECTION 8.2.** This Part applies beginning with the 2019-2020 school year.

## **PART IX. EFFECTIVE DATE**

**SECTION 9.** Except as otherwise provided, this act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 522  
Education/Higher Education Committee Substitute Adopted 5/6/19  
Third Edition Engrossed 5/8/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S522-CSTC-45 [v.1]  
07/09/2019 04:51:05 PM

Short Title: Low-Performing Schools.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ALIGN THE SELECTION OF INNOVATIVE SCHOOLS WITH THOSE IDENTIFIED BY THE STATE BOARD OF EDUCATION FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT, TO EXPAND OPTIONS FOR THE INNOVATIVE SCHOOL DISTRICT TO REQUIRE LOCAL BOARDS OF EDUCATION TO INFORM BOARDS OF COUNTY COMMISSIONERS OF ACADEMIC PROGRESS ANNUALLY, AND TO REQUIRE FURTHER STUDY OF REFORMS FOR ASSISTANCE TO LOW-PERFORMING SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 7A of Chapter 115C of the General Statutes reads as rewritten:

"Article 7A.

"North Carolina Innovative School District and Innovation Zones.

**"§ 115C-75.5. Definitions.**

The following definitions apply in this Article:

- (1) Innovative school. – A qualifying school selected by the State Board of Education under the supervision of the North Carolina Innovative School District.
- (2) Reserved.
- (3) Innovative school operator or IS operator. – An entity selected by the State Board of Education upon the recommendation of the ISD Superintendent to operate an innovative school. ~~Except as otherwise provided in this Article, the Department of Public Instruction may not be selected as an IS operator.~~
- (4) ISD Superintendent. – The superintendent of the ISD appointed by the Superintendent of Public Instruction in accordance with G.S. 115C-75.6.
- (4a) North Carolina Innovative School District or ISD. – The statewide school unit established pursuant to this Article.
- (5) Qualifying school. – ~~A low-performing school, as defined in G.S. 115C-105.37, that meets one of the following criteria:~~
  - a. ~~The school earned an overall school performance score in the lowest five percent (5%) of all schools in the prior school year that meet all of the following requirements:~~
    1. ~~The school includes all or part of grades kindergarten through fifth.~~



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b. The school received a school performance score in the lowest ten percent (10%) of all schools that include all or part of grades kindergarten through fifth in the prior school year and has been designated by the local board of education for consideration by the State Board of Education as an innovative school.

**"§ 115C-75.7. Selection of innovative schools.**

(b) Selection-Evaluation Process. – The selection of qualifying innovative schools shall be based on an analysis and evaluation of performance over the most recent of qualifying schools over a three-year period, two-year period as follows: Prior to recommendation of selection of a qualifying school, the ISD Superintendent shall conduct an evaluation of the school to determine the factors contributing to the school's performance and shall confer with the school principal, local board of education members, the local school superintendent, and the local board of county commissioners to share the findings of the evaluation. The school selection process shall also include a public hearing to allow for parent and community input. The ISD Superintendent shall evaluate and identify the qualifying schools to recommend for selection as prospective innovative schools no later than October 15 prior to the initial school year in which the school may operate as an innovative school and shall notify the local boards of education where prospective innovative schools are located by that date. The State Board of Education shall select the prospective innovative schools no later than December 15.

S522-CSTC-45 [v.1]



(2) Warning list. – If a school that was on the watch list in the prior school year remains a qualifying school in the next school year, the school shall be placed on the ISD warning list. By November 15, the ISD Superintendent shall notify the superintendent and local board of education of that school's status and provide that school's performance data, considerations for improvement, and any additional information deemed necessary by the ISD Superintendent. The local board of education shall do the following:

- a. Hold a public hearing with a minimum of 10 days' notice that meets the following requirements:
  1. The local board of education shall provide direct notice of the public hearing to parents of students, employees assigned to that school, and the ISD Superintendent.
  2. At the public hearing, the local board of education shall share potential impacts of the designation, including becoming an innovative school, plans for improvement of the school, and any additional information deemed necessary by the ISD Superintendent.
  3. The ISD Superintendent shall be provided the opportunity to present at the public hearing, including information about (i) the ISD selection process; (ii) potential impacts of the designation as an innovative school; (iii) potential resources, strategies, and partners for comprehensive support and improvement that can assist in plans for improvement of the school; and (iv) any additional information deemed necessary by the ISD Superintendent.
- b. Present information at a regularly scheduled public meeting of the board of commissioners of the county in which the local school administrative unit is located on the school's performance while on an ISD list and efforts by the local board of education to improve the school's performance. The board of commissioners shall provide an opportunity for the presentation and shall notify the board of education of the public meeting at which the presentation shall occur. The local board of education shall provide notice of the date and time of the public meeting at which the presentation will occur to the ISD Superintendent 10 days prior to the meeting and provide the opportunity to the Superintendent to present as part of the presentation at the public meeting.

(b1) Support Process. – The State Board of Education shall ensure that qualifying schools identified for any ISD list are engaged in strategies in compliance with federal and State law for comprehensive support and improvement. The ISD Superintendent shall monitor those schools and assist local boards of education in identifying funding, strategies, and partners for comprehensive support and improvement efforts.

(b2) Local Board of Education Action. - Local boards of education shall identify and engage in strategies in compliance with federal and State law for comprehensive support and improvement of qualifying schools. A local board of education member with an immediate family member, as defined in G.S. 115C-12.2, who is employed by that local board of education and assigned to the qualifying school, shall recuse himself or herself from any actions by the board directly related to that qualifying school.

(b3) Voluntary Selection. – A local board of education, upon the recommendation of the ISD Superintendent, may request that the State Board of Education select a qualifying school under the control of that local board as an innovative school at any time.

(c) ~~Local Board Response. Selection Process.~~ – Upon notification by the ISD Superintendent of selection by the State Board of Education of the qualifying school as a prospective innovative school, the local board of education shall determine whether to (i) close the selected qualifying school or (ii) transfer the school into the ISD. The local board shall not be required to undertake the study required by G.S. 115C-72 before closing the school. Before the adoption of a resolution, the local board of education shall provide for a public hearing in regard to the proposed transfer or closure, at which hearing the public shall be afforded an opportunity to express their views. No later than February 1, the local board of education shall adopt a resolution either (i) consenting to transfer of the selected qualifying school to the ISD as an innovative school or (ii) closing that school at the conclusion of that school year. The State Board of Education may delay the transfer of a selected school to the ISD for one year only upon the recommendation of the ISD Superintendent. If a school (i) remains a qualifying school in the school year following the year the school was placed on the ISD warning list and (ii) is one of the lowest five qualifying schools on the ISD warning list, as measured by school performance scores, the school shall be selected by the State Board as an innovative school beginning with the next school year.

(d) Public Notification. – The list of ~~qualifying schools on the ISD watch and warning lists~~ and selected innovative schools shall be made publically available on a Web site maintained by the ISD.

(e) Waivers for Innovative Schools. – The ISD Superintendent may request a waiver from the State Board of Education of State Board of Education rules, regulations, policies, and procedures, or the provisions of this Chapter for innovative schools; however, innovative schools shall be required to comply with, at a minimum, the statutory requirements for charter schools as provided in Article 14A of this Chapter. The goal for each waiver shall be improvement of student performance. All innovative schools shall comply with all applicable constitutional and statutory nondiscrimination requirements. Notwithstanding G.S. 115C-105.26, the State Board of Education may grant a requested waiver of State laws or rules for an innovative school pursuant to this subsection, except for a waiver of State laws or rules applicable to children with disabilities and any of the other requirements set forth in this subsection.

**"§ 115C-75.8. Selection of IS operators.**

(a) The State Board of Education may select an IS operator for a ~~prospective-selected~~ innovative school by ~~January-December~~ 15 and shall select an IS operator for a ~~prospective selected innovative~~ school no later than ~~February-January~~ 15.

(b) Upon the recommendation of the ISD Superintendent, the State Board of Education shall only select an entity to contract as an IS operator if that entity demonstrates one of the following:

- (1) The entity has a record of results in improving performance of ~~persistently~~ low-performing schools or improving performance of a substantial number of ~~persistently~~ low-performing students within a school or schools operated by the entity in this State or other states.
- (2) The entity has a credible and specific plan for dramatically improving student achievement in a low-performing school and provides evidence that the entity, or a contractual affiliate of such an entity, is either currently operating a school or schools in this State that provide students a sound, basic education or demonstrating consistent and substantial growth toward providing students a sound, basic education in the prior three school years.

~~(b1) In the event that no entity demonstrates the qualifications required by subsection (b) of this section, the ISD is authorized to act as an IS operator for one academic year and the State Board shall select an entity in accordance with subsection (b) of this section to assume management beginning with the next academic year. If the State Board has not been able to select an entity demonstrating the required qualifications by the third year of management of the school~~



1 by the ISD, the ISD shall remain the operator of the school until the end of the fifth year and shall  
2 develop a transition plan to return the school to the local school administrative unit.

3 (c) The selected IS operator is encouraged to hold public informational sessions and other  
4 outreach to the community, ~~prospective-selected~~ innovative school, and local board of education  
5 of a ~~prospective-selected~~ innovative school prior to a local board's adoption of the resolution  
6 required by G.S. 115C-75.7(e). school.

7 (d) The contract between the State Board of Education and IS operator shall require, as a  
8 minimum, that the IS operator meet the same requirements as established for charter schools in  
9 the following statutes:

10 (1) G.S. 115C-218.20 (Civil liability and insurance requirements).

11 (2) G.S. 115C-218.25 (Open meetings and public records).

12 (3) G.S. 115C-218.30 (Accountability; reporting requirements to State Board of  
13 Education).

14 (4) G.S. 115C-218.50 (Charter school nonsectarian).

15 (5) G.S. 115C-218.55 (Nondiscrimination in charter schools).

16 (6) G.S. 115C-218.60 (Student discipline).

17 (7) G.S. 115C-218.65 (North Carolina School Report Cards).

18 (8) G.S. 115C-218.75 (General operating requirements).

19 (9) G.S. 115C-218.85 (Course of study requirements).

20 **"§ 115C-75.9. Management of innovative schools.**

21 (a) Direct Management by IS Operator. – An innovative school shall be subject to direct  
22 management by an IS operator selected by the State Board of Education, upon the  
23 recommendation of the ISD Superintendent, for a five-year contract. ~~In the event that temporary~~  
24 ~~management is necessary due to contract termination, lack of a qualified IS operator under~~  
25 ~~G.S. 115C-75.8(b1), or other unforeseen emergency, the ISD is authorized to act as an IS~~  
26 ~~operator.~~

27 (b) Role of IS Operator. – The IS operator shall be authorized to have a direct role in  
28 making decisions about school finance, human capital, and curriculum and instruction for the  
29 innovative school while developing the leadership capacity in such schools.

30 (c) Assignment to Innovative Schools. – All innovative schools shall remain open to  
31 enrollment in the same manner with the same attendance zone as prior to becoming an innovative  
32 school. If a local board of education's reassignment of students within the local school  
33 administrative unit due to student population changes or openings or closures of other schools  
34 impacts the innovative school, the IS operator may appeal to the ISD Superintendent and request  
35 a hearing before the State Board of Education regarding the reassignment. Notwithstanding  
36 G.S. 115C-366, the State Board of Education shall, after hearing from both the local board of  
37 education and IS operator, determine whether the reassignment of students impacting the  
38 innovative school may proceed.

39 (d) Facility and Capital Expenditures. – Facility and capital expenditures shall be  
40 provided as follows:

41 (1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local  
42 board of education shall be responsible for facility and capital expenditures at  
43 the qualifying school.

44 (2) All IS operators and local boards of education shall enter into an occupancy  
45 agreement establishing the terms of occupancy for the IS operator not  
46 otherwise addressed in statute. If the parties are unable to reach agreement,  
47 either party may petition the State Board of Education to resolve any issues in  
48 dispute.

49 (3) The IS operator shall have first priority in use of the facility for any purpose  
50 related to the operation of the innovative school. The local board of education  
51 may allow use of the facility by governmental, charitable, civic, or other

1 organizations for activities within the community and may retain any funds  
2 received for such use for any time the IS operator has not provided written  
3 notice to the local board of its use of the facility during that time for a purpose  
4 related to the operation of the innovative school.

5 For the purposes of this subsection, facility and capital expenditures include routine  
6 maintenance and repair, and capital expenditures include building repair and maintenance,  
7 furniture, furnishings, and equipment.

8 (e) Transportation. – The local board of education shall provide transportation of all  
9 students assigned to the innovative school in the same manner as provided for other schools in  
10 the local school administrative unit in that school year.

11 (f) Memorandums of Understanding for Alternate Arrangements. – Notwithstanding this  
12 section, the IS operator, in ~~consultation~~ collaboration with the ISD Superintendent, may elect to  
13 enter into a memorandum of understanding for alternate arrangements with the local board of  
14 education to address any of the following:

- 15 (1) Facility and capital expenditures.
- 16 (2) Transportation services.
- 17 (3) Services for Children with Disabilities.

18 If the IS operator elects to use a memorandum of understanding for alternate arrangements,  
19 the IS operator and local board of education shall finalize the memorandum of understanding  
20 within 30 days of the initial request by the IS operator. If the parties have not completed the  
21 memorandum of understanding within 30 days, the State Board of Education shall resolve any  
22 issues in dispute.

23 (g) Student Records. – The local board of education shall make available in a timely  
24 fashion all student records to the innovative school at no cost for all students of that school.

25 (h) Innovative School Employees. – The IS operator shall select and hire the school  
26 principal for an innovative ~~school~~ school in collaboration with the ISD Superintendent. Within  
27 the limits of the school budget, the IS operator or its designee shall select staff members in  
28 accordance with guidance from the ISD Superintendent. Before finalizing staffing  
29 recommendations, the IS operator and the ISD Superintendent or the Superintendent's designee  
30 shall interview all existing staff members at the qualifying school and review student growth and  
31 performance data for those staff members for whom it is available. Notwithstanding Article 21A  
32 of this Chapter, the IS operator and the ISD Superintendent shall be permitted to examine  
33 personnel files of existing staff members for the qualifying school. The IS operator shall have  
34 the authority to decide whether any administrator, teacher, or staff member previously assigned  
35 to a qualifying school selected to become an innovative school shall continue as an employee of  
36 the innovative school. Any such employees retained shall become employees of the ~~ISD. An ISD,~~  
37 unless the IS operator is another local board of education, in which case the employee may  
38 become an employee of that board of education with approval of the ISD Superintendent. Except  
39 as otherwise provided in this subsection, an employee hired to work in an innovative school shall  
40 be an employee of the ISD, and the employees shall be under the exclusive control of the ISD.  
41 All employees of the ISD shall be eligible for enrollment in the Teachers' and State Employees'  
42 Retirement System of North Carolina, the State Health Plan, and other benefits available to State  
43 employees. The IS operator shall provide funds to the ISD in an amount sufficient to provide  
44 salary and benefits for employees of the ISD working in the innovative school based on the terms  
45 of employment established by the IS operator. If a teacher at a qualifying school selected to  
46 become an innovative school has career status under G.S. 115C-325 prior to employment to teach  
47 at that innovative school, the teacher may return with career status to a public school in the local  
48 school administrative unit where the innovative school is located upon the end of employment at  
49 the innovative school, if an appropriate position is available. If an appropriate position is  
50 unavailable, the teacher's name shall be placed on a list of available teachers in accordance with  
51 G.S. 115C-325(e)(2).

(i) Criminal History Checks. – The State Board of Education shall require applicants for employment with the ISD to be checked for criminal histories using the process provided in G.S. 115C-332. The State Board of Education shall provide the criminal history it receives to the ISD Superintendent and IS operator.

(j) Employees of Local Board of Education. – The transfer of a qualifying school shall be deemed a reorganization of the local school administration unit resulting in a reduction in force. If an employee is not given the option to continue as an employee for the innovative school, the local board of education may, in its discretion, do any of the following:

(1) Continue the employee's employment with the local board of education.

(2) Dismiss the employee due to a reduction in force as provided in Article 22 of this Chapter.

(3) Dismiss the employee as otherwise provided in Article 22 of this Chapter.

(k) Liability Insurance. – The IS operator shall maintain reasonable amounts and types of liability insurance as established by the State Board of Education. No civil liability shall attach to the State Board of Education, the Department of Public Instruction, the ISD Superintendent, or a local board of education or to any of their members or employees, individually or collectively, for any acts or omissions of the IS operator.

(l) School Nutrition Program. – The innovative school shall participate in the National School Lunch Program, as provided in G.S. 115C-264.

(m) Cooperation with ISD Superintendent. – The local board of education shall cooperate with the ISD Superintendent in carrying out his or her powers and duties as necessary in accordance with this Chapter.

**"§ 115C-75.10. Innovative schools funds.**

(a) Funding Allocation Selection. – State and local funding for an innovative school shall be allocated as provided in subsection (b) or subsection (c) of this section. The IS operator shall select one of the allocation methods as the method to be used for the innovative school.

(b) Designated Funding. – Funding shall be allocated to the ISD for the innovative school by the State Board of Education and local board of education as follows:

(1) The State Board of Education shall allocate the following to the ISD for each innovative school:

a. An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the innovative school was located for each child attending the innovative school except for the allocations for (i) children with disabilities, (ii) children with limited English proficiency, and (iii) transportation. The State Board of Education shall provide the allocation for transportation to the local school administrative unit in which the innovative school is located.

b. An additional amount for each child attending the innovative school who is a child with disabilities.

c. An additional amount for children with limited English proficiency attending the innovative school, based on a formula adopted by the State Board of Education.

(2) The local school administrative unit in which the innovative school is located shall transfer to the ISD for the innovative 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 ISD for the innovative school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and ISD may use the process for mediation of differences between the State Board of Education and a charter school provided in

G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to an innovative school located in the tax district for which these taxes are levied and in which the student resides. The local school administrative unit shall also provide the ISD with all of the following information within the 30-day time period provided in this subsection:

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

(c) Funding Memorandum of Understanding. – The IS operator, in ~~consultation~~ collaboration with the ISD Superintendent, may enter into a funding memorandum of understanding with the local board of education of the local school administrative unit where the innovative school is located for all student support and operational services and instructional services to be provided by the local board of education in the same manner and degree as in the prior school year or funding in an amount equivalent to the amount the local board of education would have expended on those services if provided. For the purposes of this subsection, student support and operational services include cafeteria services, custodial services, broadband and utilities, and student information services, and instructional services include alternative education, special education services, test administration services, textbooks, technology, media resources, instructional equipment, and other resources. The IS operator and local board of education shall finalize the funding memorandum of understanding within 30 days of the initial request for the memorandum by the IS operator. If the parties have not completed the funding memorandum of understanding within 30 days, the State Board of Education shall resolve any issues in dispute.

(d) The ISD may seek, manage, and expend federal money and grants, State funding, municipal funding, and other funding with the same authority as a local school administrative unit, including decisions related to allocation of State funds among innovative schools, and shall be considered a local school administrative unit for all federal funding purposes.

**"§ 115C-75.11. Accountability and governance for innovative schools.**

(a) The IS operator shall set clear goals related to higher academic outcomes for students, safe and positive learning environments for children, parent and community engagement, and the efficient and effective use of taxpayer dollars, empower and equip teachers and school leaders to meet the goals, and hold such teachers and school leaders accountable to meet the goals. The IS operator shall apply to the ISD Superintendent for appropriate waivers for the innovative school pursuant to G.S. 115C-75.7(e).

(b) ~~The IS operator~~ The IS operator, in collaboration with the ISD Superintendent, shall select, approve, or remove the school principal of an innovative school that it is managing in accordance with this Article.

(c) The IS operator shall enter into an agreement with the school principal regarding specific goals for the innovative school related to higher academic outcomes for students, safe and positive learning environments for children, parent and community engagement, and the efficient and effective use of taxpayer dollars. The agreement shall be made publicly available on the ISD Web site.

(d) An innovative school shall not be included in any State evaluation or performance models used for the local school administrative unit in which the school is located but shall be considered a part of the ISD for all evaluation purposes.

**"§ 115C-75.12. Term of supervision for an innovative school.**

(a) An innovative school shall remain under the supervision of the ISD for a minimum of five consecutive years through a contract with an IS operator. The following shall apply to the term of a contract with an IS operator of an innovative school:

- (1) Early termination of contract based on performance. – If, during the five-year contract, the innovative school's annual percentage growth does not exceed the average annual percentage growth of other qualifying schools for three consecutive years, the State Board of Education, upon the recommendation of the ISD Superintendent, may terminate the contract at the conclusion of the academic year and select another IS operator in accordance with G.S. 115C-75.8 to assume the remainder of the five-year contract and any occupancy agreements or memorandums of understanding with the local board of education at the beginning of the next academic year.
- (2) Nonrenewal of contract based on performance. – If, by the end of the five-year contract, the innovative school's average annual percentage growth during the term of the contract does not exceed the average annual percentage growth of other qualifying schools during the same term, the State Board of Education shall not renew the contract of the IS operator and develop a transition plan to return the school to the local school administrative unit.
- (3) State Board of Education optional extension of contract for three years. – If, by the end of the five-year contract, the innovative school remains a qualifying school but has exceeded the average annual percentage growth of other qualifying schools and has shown growth over the term of the contract, the State Board of Education, upon the recommendation of the ISD Superintendent in his or her discretion, may continue the contract with the IS operator for an additional three-year term. The ISD Superintendent and IS operator shall engage the school, the school community, and the school's local board of education in developing a transition plan for the school to leave the supervision of the ISD at the conclusion of the three-year extension of the contract. If the State Board of Education does not elect to continue the contract, the State Board of Education may do any of the following:
  - a. Select another IS operator for a three-year contract.
  - b. Close the school as provided in subdivision (2) of this subsection.
  - c. Develop a transition plan to return the school to the local school administrative unit for the next school year.
- (4) IS operator option to extend contract for three years. – If, by the end of the five-year contract, the innovative school receives a grade of C or higher under G.S. 115C-12(9)c1., the IS operator shall have the option to extend the contract for another three-year term. The ISD Superintendent and IS operator shall engage the school, the school community, and the school's local board of education in developing a transition plan for the school to leave the supervision of the ISD at the conclusion of the three-year extension of the contract. Options at the conclusion of the contract shall include the following:
  - a. Conversion to charter. – If, in the development of the transition plan, a local board of education indicates by resolution to the State Board of Education that the local board of education elects to not receive the transfer of the innovative school back to the local school administrative unit, the IS operator may apply to convert the school to

a charter school under Article 14A of this Chapter. If a charter is awarded, the charter board of directors may request to use the facility as provided in G.S. 115C-218.35. If the IS operator does not seek conversion to a charter school or fails to receive a charter, the State Board of Education may close the school as provided in subdivision (2) of this subsection.

b. Alternate as operator or return to local school administrative unit. – If the IS operator does not elect to continue the contract, the State Board of Education may select another IS operator for a three-year contract or may develop a transition plan to return the school to the local school administrative unit for the next school year.

(5) Termination of contract on other grounds. – The State Board of Education, upon the recommendation of the ISD Superintendent, may terminate a contract with an IS operator at any time during the contract for financial mismanagement, noncompliance with federal or State laws, failure to comply with the terms of the contract, or evidence of criminal activity. The State Board of Education shall develop a transition plan to return the school to the local school administrative unit. ~~The ISD is authorized to act as a temporary IS operator during the transition period, if necessary.~~

(b) An innovative school shall remain under the supervision of the ISD for no more than eight years.

(c) The State Board of Education shall make all decisions related to contracts for IS operators no later than May 1, except as provided in subdivision (5) of subsection (a) of this section.

**"§ 115C-75.13. Innovation zones.**

(a) If a local board of education transfers a qualifying school to the ISD, the local board of education may ask the State Board of Education to be allowed to create an innovation zone (i) for up to three ~~continually~~ low-performing schools within its local school administrative unit or (ii) if the local school administrative unit has more than thirty-five percent (35%) of the schools identified in the unit as low-performing, for some or all of the low-performing schools located in the unit.

The State Board of Education shall grant, upon recommendation of the ISD Superintendent, such requests for the creation of an innovation zone. The State Board of Education shall also authorize the local board of education the flexibility to operate the schools within the innovation zone with the same exemptions from statutes and rules as a charter school authorized under Article 14A of this Chapter and with exemptions from local board of education policies as needed to ensure autonomy under the guidance of the innovation zone office for financial, programmatic, staffing, and time allocation decisions.

(b) The innovation zone created by a local board of education must include all of the following:

- (1) Development of a clear and specific plan for improving schools within the innovation zone.
- (2) Establishment of an innovation zone office with a leader ~~recommended by~~ selected in consultation with the ISD Superintendent to be appointed by the local board of education and approved by the State Board of Education to govern and lead the schools in the innovation zone.
- (3) Attraction of high-quality staff at schools in the innovation zone through the use of incentives, favorable working conditions, and development of partnerships to develop human capital.
- (4) Accountability for those schools based on established benchmarks and goals for student achievement and for support services provided by the local school

administrative unit based on metrics established by the innovation zone office for effective and efficient delivery.

(5) Support for those schools by the innovation zone office to ensure priority in services from the local school administrative unit, pursuit of outside funding, and technical support, including support from external partners.

(c) A local board of education may maintain an innovation zone created as provided in subsection (a) for up to five consecutive years. The State Board of Education may terminate the innovation zone as follows:

(1) Early termination of innovation zone based on performance. – If, during the five-year period, the average of the annual percentage growth of the schools within the innovation zone does not exceed the average annual percentage growth of other ~~continually~~ low-performing schools for three consecutive years, the State Board of Education, upon the recommendation of the ISD Superintendent, may terminate the innovation zone at the conclusion of the academic year.

(2) Nonrenewal of innovation zone based on performance. – If, by the end of the five-year period, the average annual percentage growth of the schools within the innovation zone over the five-year period does not exceed the average annual percentage growth of other ~~continually~~ low-performing schools during the same term, the State Board of Education shall not permit the local board of education to continue the innovation zone.

(3) State Board of Education optional extension of innovation zone for three years. – If, by the end of the five-year period, the schools within the innovation zone remain ~~continually~~ low-performing schools but have exceeded the average annual percentage growth of other ~~continually~~ low-performing schools, the State Board of Education, upon the recommendation of the ISD Superintendent in his or her discretion, may allow continuation of the innovation zone for an additional three years.

(4) Local board of education option to extend innovation zone for three years. – If, by the end of the five-year period, the schools within the innovation zone receive a grade of C or higher under G.S. 115C-12(9)c1., the local board of education shall have the option to extend the innovation zone for another three years.

~~(d) A low performing school in an innovation zone, created as provided in clause (ii) of subsection (a) of this section, shall become an innovative school if that low performing school does not exceed expected growth in the last two years of the five consecutive years in the innovation zone."~~

**SECTION 2.** G.S. 115C-429(a) reads as rewritten:

"(a) Upon receiving the budget from the superintendent and following the public hearing authorized by G.S. 115C-428(b), if one is held, the board of education shall consider the budget, make such changes therein as it deems advisable, and submit the entire budget as approved by the board of education to the board of county commissioners not later than May 15, or such later date as may be fixed by the board of county commissioners. At the time of submission of the budget, the board of education shall also submit to the board of county commissioners in writing the academic performance of the schools in the local school administrative unit, including the school performance grades of each school, any schools identified as low-performing or continually low-performing or included on the Innovative School District watch or warning list, and efforts by the local board of education to improve those identified schools' performance. The local board of education shall present the academic performance information at a public meeting upon the request of the board of commissioners."



**SECTION 3.(a)** For the purposes of this section, a qualifying school is as defined by G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7(a), as amended by this act, the State Board of Education shall select the following schools to become innovative schools:

- (1) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2018-2019 school year to become an innovative school in the 2020-2021 school year.
- (2) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2019-2020 school year to become an innovative school in the 2021-2022 school year.
- (3) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2020-2021 school year to become an innovative school in the 2022-2023 school year.

**SECTION 3.(b)** The State Board of Education shall select all innovative schools, as required by G.S. 115C-75.7(a), as amended by this act, no earlier than the 2022-2023 school year for inclusion in the Innovative School District beginning with the 2023-2024 school year, unless a local board of education requests selection prior to that year.

**SECTION 4.** The State Superintendent of Education and the ISD Superintendent shall jointly study the following and report on any recommendations and suggested legislative changes to the Joint Legislative Education Oversight Committee no later than March 15, 2020:

- (1) Options for innovative schools. – Structure of innovative schools and types of partnerships with IS operators or other entities that provide effective options and ensure flexibility for the Innovative School District (ISD) to best address the needs of innovative schools and students. This recommendation should take into consideration, but is not limited to, factors such as length of time of an innovative school in the ISD, role or relationship of the local board of education with the ISD and innovative school, and types of entities and contract terms that the ISD should use to establish options for selecting the most appropriate entity to serve the innovative school.
- (2) Reform of low-performing school models. – Alignment of requirements in Chapter 115C of the General Statutes for identification and reform of low-performing and continually low-performing schools, including Part 3 of Article 8B of Chapter 115C of the General Statutes, with other reform efforts in State and federal law, to ensure a comprehensive and efficient approach to support and improvement of those schools that does not create redundancies.

**SECTION 5.** This act is effective when it becomes law and applies to schools identified beginning with data from the 2018-2019 school year as qualifying schools for the 2019-2020 school year.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 522

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

S522-ATC-62 [v.1]

Page 1 of 1

Amends Title [NO]  
S522-CSTC-45

Date July 10, 2019

Representative Johnson

- 1 moves to amend the bill on page 3, line 40, by rewriting that line to read:  
2  
3 "comprehensive support and improvement. The State Board of Education may establish criteria  
4 for the selection of independent turnaround school consultants in a pay-for-performance model  
5 to provide direct support for qualifying schools. The ISD Superintendent shall monitor those  
6 schools".

SIGNED

*Linda P. Johnson*  
Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED



\* S 5 2 2 - A T C - 6 2 - V - 1 \*





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 522

AMENDMENT NO. #2  
(to be filled in by  
Principal Clerk)

S522-ABE-40 [v.3]

Page 1 of 4

Amends Title [NO]  
S522-CSTC-45 [v.1]

Date July 10, 2019

Representative Clemmons

moves to amend the bill on page 2, line 18 – page 4, line 29, by rewriting the lines to read:

**"§ 115C-75.7. Selection of innovative schools.**

(a) ~~State Board Selection. – The State Board of Education is authorized to select, upon the recommendation of the ISD Superintendent, shall select no more than five qualifying elementary schools annually to transfer to the ISD as innovative schools. schools, in accordance with this section. The five qualifying schools selected for inclusion in the ISD should represent geographic diversity, including urban and rural schools. The State Board of Education shall select no more than one qualifying school per local school administrative unit, unless the local board of education consents.~~

(b) ~~Selection-Evaluation Process. – The selection of qualifying innovative schools shall be based on an analysis and evaluation of performance over the most recent of qualifying schools over a three-year period. period as follows: Prior to recommendation of selection of a qualifying school, the ISD Superintendent shall conduct an evaluation of the school to determine the factors contributing to the school's performance and shall confer with the school principal, local board of education members, the local school superintendent, and the local board of county commissioners to share the findings of the evaluation. The school selection process shall also include a public hearing to allow for parent and community input. The ISD Superintendent shall evaluate and identify the qualifying schools to recommend for selection as prospective innovative schools no later than October 15 prior to the initial school year in which the school may operate as an innovative school and shall notify the local boards of education where prospective innovative schools are located by that date. The State Board of Education shall select the prospective innovative schools no later than December 15.~~

(1) Qualifying list. – In the first school year after a school has been identified as a qualifying school, the school shall be placed on the ISD qualifying list. By November 15, the ISD Superintendent shall notify the superintendent and local board of education of that school's status and provide that school's performance data, considerations for improvement, and any additional information deemed necessary by the ISD Superintendent. The local board of education shall notify parents of students enrolled in the qualifying school by electronic mail or the parents' preferred method of written communication of  
(i) the school's status, (ii) potential impacts of the designation, including



\* S 5 2 2 - A B E - 4 0 - V - 3 \*



**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**Senate Bill 522**

AMENDMENT NO. # 2  
(to be filled in by  
Principal Clerk)

S522-ABE-40 [v.3]

Page 2 of 4

- 1                    becoming an innovative school, (iii) plans for improvement of the school, and  
2                    (iv) any additional information deemed necessary by the local board of  
3                    education.
- 4                    (2)    Watch list. – If a school that was on the qualifying list in the prior school year  
5                    remains a qualifying school in the next school year, the school shall be placed  
6                    on the ISD watch list. By November 15, the ISD Superintendent shall notify  
7                    the superintendent and local board of education of that school's status and  
8                    provide that school's performance data, considerations for improvement, and  
9                    any additional information deemed necessary by the ISD Superintendent. The  
10                   local board of education shall notify parents of students enrolled in the  
11                   qualifying school by electronic mail or the parents' preferred method of  
12                   written communication of (i) the school's status, (ii) potential impacts of the  
13                   designation, including becoming an innovative school, (iii) plans for  
14                   improvement of the school, and (iv) any additional information deemed  
15                   necessary by the local board of education.
- 16                   (3)    Warning list. – If a school that was on the watch list in the prior school year  
17                   remains a qualifying school in the next school year, the school shall be placed  
18                   on the ISD warning list. By November 15, the ISD Superintendent shall notify  
19                   the superintendent and local board of education of that school's status and  
20                   provide that school's performance data, considerations for improvement, and  
21                   any additional information deemed necessary by the ISD Superintendent. The  
22                   local board of education shall do the following:
- 23                   a.       Hold a public hearing with a minimum of 10 days' notice that meets  
24                   the following requirements:
- 25                   1.       The local board of education shall provide direct notice of the  
26                   public hearing to parents of students, employees assigned to  
27                   that school, and the ISD Superintendent.
- 28                   2.       At the public hearing, the local board of education shall share  
29                   potential impacts of the designation, including becoming an  
30                   innovative school, plans for improvement of the school, and  
31                   any additional information deemed necessary by the ISD  
32                   Superintendent.
- 33                   3.       The ISD Superintendent shall be provided the opportunity to  
34                   present at the public hearing, including information about (i)  
35                   the ISD selection process; (ii) potential impacts of the  
36                   designation as an innovative school; (iii) potential resources,  
37                   strategies, and partners for comprehensive support and  
38                   improvement that can assist in plans for improvement of the  
39                   school; and (iv) any additional information deemed necessary  
40                   by the ISD Superintendent.
- 41                   b.       Present information at a regularly scheduled public meeting of the  
42                   board of commissioners of the county in which the local school  
43                   administrative unit is located on the school's performance while on an



**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**Senate Bill 522**

AMENDMENT NO. 42  
(to be filled in by  
Principal Clerk)

S522-ABE-40 [v.3]

Page 3 of 4

1                    ISD list and efforts by the local board of education to improve the  
2                    school's performance. The board of commissioners shall provide an  
3                    opportunity for the presentation and shall notify the board of education  
4                    of the public meeting at which the presentation shall occur. The local  
5                    board of education shall provide notice of the date and time of the  
6                    public meeting at which the presentation will occur to the ISD  
7                    Superintendent 10 days prior to the meeting and provide the  
8                    opportunity to the Superintendent to present as part of the presentation  
9                    at the public meeting.

10        (b1)    Support Process. – The State Board of Education shall ensure that qualifying schools  
11        identified for any ISD list are engaged in strategies in compliance with federal and State law for  
12        comprehensive support and improvement. The ISD Superintendent shall monitor those schools  
13        and assist local boards of education in identifying funding, strategies, and partners for  
14        comprehensive support and improvement efforts.

15        (b2)    Local Board of Education Action. - Local boards of education shall identify and  
16        engage in strategies in compliance with federal and State law for comprehensive support and  
17        improvement of qualifying schools. A local board of education member with an immediate  
18        family member, as defined in G.S. 115C-12.2, who is employed by that local board of education  
19        and assigned to the qualifying school, shall recuse himself or herself from any actions by the  
20        board directly related to that qualifying school.

21        (b3)    Voluntary Selection. – A local board of education, upon the recommendation of the  
22        ISD Superintendent, may request that the State Board of Education select a qualifying school  
23        under the control of that local board as an innovative school at any time.

24        ~~(c)        Local Board Response. Selection Process. – Upon notification by the ISD~~  
25        ~~Superintendent of selection by the State Board of Education of the qualifying school as a~~  
26        ~~prospective innovative school, the local board of education shall determine whether to (i) close~~  
27        ~~the selected qualifying school or (ii) transfer the school into the ISD. The local board shall not~~  
28        ~~be required to undertake the study required by G.S. 115C-72 before closing the school. Before~~  
29        ~~the adoption of a resolution, the local board of education shall provide for a public hearing in~~  
30        ~~regard to the proposed transfer or closure, at which hearing the public shall be afforded an~~  
31        ~~opportunity to express their views. No later than February 1, the local board of education shall~~  
32        ~~adopt a resolution either (i) consenting to transfer of the selected qualifying school to the ISD as~~  
33        ~~an innovative school or (ii) closing that school at the conclusion of that school year. The State~~  
34        ~~Board of Education may delay the transfer of a selected school to the ISD for one year only upon~~  
35        ~~the recommendation of the ISD Superintendent. If a school (i) remains a qualifying school in the~~  
36        ~~school year following the year the school was placed on the ISD warning list and (ii) is one of~~  
37        ~~the lowest five qualifying schools on the ISD warning list, as measured by school performance~~  
38        ~~scores, the school shall be selected by the State Board as an innovative school beginning with the~~  
39        ~~next school year.~~

40        (d)        Public Notification. – The list of qualifying schools on the ISD qualifying, watch, and  
41        warning lists and selected innovative schools shall be made publically available on a Web site  
42        maintained by the ISD.





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

Page 4 of 4

"(a) Upon receiving the budget from the superintendent and following the public hearing authorized by G.S. 115C-428(b), if one is held, the board of education shall consider the budget, make such changes therein as it deems advisable, and submit the entire budget as approved by the board of education to the board of county commissioners not later than May 15, or such later date as may be fixed by the board of county commissioners. At the time of submission of the budget, the board of education shall also submit to the board of county commissioners in writing the academic performance of the schools in the local school administrative unit, including the school performance grades of each school, any schools identified as low-performing or continually low-performing or included on the Innovative School District qualifying, watch, or warning list, and efforts by the local board of education to improve those identified schools' performance. The local board of education shall present the academic performance information at a public meeting upon the request of the board of commissioners."

ADOPTED





**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**Senate Bill 522**

AMENDMENT NO. #3  
(to be filled in by  
Principal Clerk)

Page 1 of 1

S522-ABE-39 [v.2]

Amends Title [NO]  
S522-CSTC-45 [v.1]

Date July 10, 2019

Representative \_\_\_\_\_

moves to amend the bill on page 2, line 21, by rewriting the line to read:

"~~elementary schools to transfer to the ISD as innovative schools.~~ schools, in accordance";

And on page 4, lines 12-16, by rewriting the lines to read:

"the recommendation of the ISD Superintendent. Subject to the five-school limitation described in subsection (a) of this section, if a school (i) remains a qualifying school in the school year following the year the school was placed on the ISD warning list and (ii) is the lowest qualifying school on the ISD warning list, as measured by school performance scores, the school shall be selected by the State Board as an innovative school beginning with the next school year."

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED







**House Committee on Education K-12  
Wednesday, July 16, 2019 at 1:00 PM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 1:00 p.m. on July 16, 2019 in Room 643 of the Legislative Office Building. Representative Elmore, Horn and Johnson – Co-Chair; Representatives Blackwell and Brockman-Vice-Chairs; and Representatives Ball, Beasley, Brewer, Brody, Clemmons, Corbin, Farmer-Butterfield, Fisher, Fraley, Gill, Hardister, Henson, Iler, Lambeth, Lucas, McNeely, Meyer, Potts, Riddell, Smith, Strickland and White were in attendance. Also in attendance was Rep. Hanig.

Representative Elmore, Co-Chair, called the meeting to order at 1:05 p.m. and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

The following bill was considered:

**SB 123, Portability of Leave/Charter Schools** (Primary Sponsor: Senator Sanderson), (Attachment 5)

Rep. Elmore announced there was a **PCS, S123-CSBN-34** (Attachment 6) before the committee if there were any objections, seeing none, Rep. Elmore recognized Rep. Hanig to explain the PCS. Rep. Hanig explained the first part revises the geographical isolated schools formula regarding the allocation of teachers for Currituck County Schools. The second part of the PCS refers to the transportation, he stated that Currituck County is a long county. Some of the students in the county are on the school bus for an hour and a half. The PCS would allow a 5 point variance which will allow the county to put two more school buses on the road. Rep. Elmore asked if there were any questions or comments on the PCS, he recognized Rep. Blackwell, Fisher, Corbin, Gill, Johnson and Clemmons. Rep. Elmore, Johnson, Hanig and staff were able to address all questions and concerns. Rep. Elmore announced there is an amendment, **S123-ABE-44 [v.5]** (Attachment 7) to the bill, he recognized Rep. Ball to explain the amendment. Rep. Ball explained the amendment would require the state Board of Education to develop draft policies and procedures for auditing Public School attendance and membership data. Rep. Elmore asked if there were any questions. Rep. Potts, Iler, Lambeth, Blackwell, McNeely and Hanig were all recognized for questions or concerns. Again, all questions were addressed. Rep. Elmore called for those in favor of the amendment, all were in favor, the amendment was adopted. He recognized the bill was before the committee, asked if there were any other questions, seeing none, he recognized Rep. Corbin for a motion on the bill. Rep. Corbin motioned for a favorable report to the Proposed Committee Substitute as amended, rolled into a new Proposed Committee Substitute, with a favorable report



to the new Committee Substitute and an unfavorable report to the original bill with a re-referral to House Rules. Rep. Elmore brought the motion before the committee and asked for a vote, the ayes have it, the bill passed.

There being no further business before the Committee, Representative Elmore adjourned the meeting at 1:29 p.m.

Respectfully submitted:



Representative Jeffrey Elmore, Co-Chair



Linda M. Stevenson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms and Pages
4. Visitor Registration
5. SB 123 and Summary
6. PCS, S123-CSBN-34
7. Amendment, S123-ABE-44 [v.5]





**Linda Stevenson (Rep. Jeffrey Elmore)**

---

**From:** Linda Stevenson (Rep. Jeffrey Elmore)  
**Sent:** Thursday, July 11, 2019 05:35 PM  
**To:** Sen. Norman Sanderson  
**Cc:** Linda Sanderson (Sen. Norman Sanderson); Emily Barnes (Sen. Norman Sanderson)  
**Subject:** <NCGA> House Education - K-12 Committee Meeting Notice for Tuesday, July 16, 2019 at 1:00 PM  
**Attachments:** Add Meeting to Calendar\_LINC\_.ics

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, July 16, 2019  
**TIME:** 1:00 PM  
**LOCATION:** 643 LOB  
**COMMENTS:** Rep. Elmore will preside

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 123</u>	Portability of Leave/Charter Schools.	Senator Sanderson

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:34 PM on Thursday, July 11, 2019.

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

Linda Stevenson (Committee Assistant)



**House Committee on Education - K-12**  
**Tuesday, July 16, 2019, 1:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

Rep. Elmore, Co-Chair

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 123	Portability of Leave/Charter Schools.	Senator Sanderson

**Presentations**

**Other Business**

**Adjournment**



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**SB 123**

Portability of Leave/Charter Schools.

Draft Number: S123-PCS35336-BE-31

Serial Referral: **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Hanig

**TOTAL REPORTED: 1**



\* C M R 7 5 4 - V - 1 \*



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	7/16/19																	
Rep. Jeffrey Elmore, Chair	✓																	
Rep. Craig Horn, Chair	✓																	
Rep. Linda Johnson, Chair	✓																	
Rep. Hugh Blackwell, Vice Chair	✓																	
Rep. Cecil Brockman, Vice Chair	✓																	
Rep. Cynthia Ball	✓																	
Rep. Chaz Beasley	-																	
Rep. Scott Brewer	✓																	
Rep. Mark Brody	✓																	
Rep. Ashton Clemmons	✓																	
Rep. Kevin Corbin	✓																	
Rep. Jean Farmer-Butterfield	✓																	
Rep. Susan Fisher	✓																	
Rep. John Fraley	✓																	
Rep. James Gailliard	-																	
Rep. Rosa Gill	✓																	
Rep. Charles Graham	-																	
Rep. Jon Hardister	✓																	
Rep. Cody Henson	✓																	
Rep. Frank Iler	✓																	
Rep. Donny Lambeth	✓																	
Rep. Marvin Lucas	✓																	
Rep. Jeffrey McNeely	✓																	





DATES	7/16/14																
Rep. Graig Meyer	✓																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	

Rep. Hanig



Committee Sergeants at Arms

House Committee on Education K-12

NAME OF COMMITTEE

DATE: 07-16-2019

Room: 643 LOB

House Sgt-At Arms:

1. Name: Terry McCraw
2. Name: Jim Moran
3. Name: Bill Moore
4. Name: Rey Cooke
5. Name:

Senate Sgt-At Arms:

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



**House Pages  
Assignments  
Tuesday, July 16, 2019  
Session: 2:00 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Insurance	1228/1327	9:00 AM	Nathaniel Bowers		Rep. Verla Insko
			Lindsay Lopez		Rep. Julie von Haefen
			Caitlin O'Brien		Rep. Wesley Harris
			Brooke Sanderford		Rep. Holly Grange
Education - K-12	643	1:00 PM	Lillian Fountain		Rep. Cynthia Ball
			Walker Livingston		Rep. John Torbett
			Brooke Sanderford		Rep. Holly Grange
			Rebecca Zerniak		Rep. Keith Kidwell



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

07-16-2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom West	NCJCH
Rachel Davis	NCJCH
Elizabeth Yelverton	NCA SA
Katherine Joyce	NCA SA
Richard Bostic	NC SBA
Adam Pidemore	NC SBA
Bruce Hildner	NC SBA
Claudia Womack	governors office
Sam WATP	N.C. Dept of State Treasurer





# VISITOR REGISTRATION SHEET

House Committee on Education K-12

07-16-2019



Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

JASON JOYNER	NEW FRAME
SKYE DAVID	New FRAME
	
Abel Berk	PP
Cecilia H. H.	NC SRBF
m Hill	Sm Hill
Kris Parker	DR NC
April Neumann	MWC
Keri Burke	MWC
Debbie Parkinson	Parkinson Law
Hampton Billips	KTS



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

07-16-2019

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Daphne Quina

NCGA - Rep. Meyer





## SENATE BILL 123: Geo Iso Sch/Transp Eff Buff/Currituck Cty Sch.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	July 16, 2019
<b>Introduced by:</b>	Sen. Sanderson	<b>Prepared by:</b>	Samantha Yarborough and Kara McCraw, Staff Attorneys
<b>Analysis of:</b>	PCS to First Edition S123-CSBN-34		

**OVERVIEW:** *Senate Bill 123 would require the State Board of Education to adopt rules allowing the transfer of sick leave between a charter school and local school administrative unit.*

*The PCS to SB 123 would remove the contents of SB 123 and instead do the following:*

- *Revise the geographically isolated schools formula regarding the allocation of teachers for Currituck County Schools.*
- *Allow an increased transportation efficiency budget rating for Currituck County Schools.*

### CURRENT LAW and BILL ANALYSIS:

**Section 1:** G.S. 115C-301(g1) requires the State Board of Education to allot additional classroom teachers to schools containing grades kindergarten through 12 when consolidation is not feasible due to the geographic isolation of the school. To be geographically isolated, a school must meet at least one of the following criteria:

- The school is located in a local school administrative unit in which the average daily membership is less than 1.5 per square mile.
- The school is located in a local school administrative unit for 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.

Section 1 of the PCS would add a criterion for geographic isolation to G.S. 115C-301(g1). A school would be considered geographically isolated if it meets all of the following requirements:

- The school contains grades kindergarten through 5.
- The school is located in a local school administrative unit for a county containing all or a portion of at least one national wildlife refuge owned by the federal government and managed by the United States Fish and Wildlife Service pursuant to G.S. 104-10.
- The school is only accessible to the majority of the local school administrative unit, while remaining in the local school administrative unit, by ferry.

Section 1 would be effective July 1, 2019, and apply beginning with the 2019-2020 school year. This section would apply only to Currituck County Schools.

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.*

# Senate PCS 123

*Page 2*

**Section 2:** Local school administrative units (LEAs) receive an annual transportation budget rating calculated based on an efficiency rating developed from a number of factors, including expenditures, students transported, and buses operated with adjustments for site characteristics, plus a 10% buffer. An LEA with an efficiency rating of 80% would therefore have a budget rating of 90%, meaning that State funds would cover 90% of the LEA's transportation costs. This budget rating is used to calculate the transportation allotment for that LEA.

Section 2 of SB 123 would provide that, for Currituck County Schools, the Department of Public Instruction should provide a 15% buffer, rather than 10%, in calculating the transportation budget rating for that LEA.

Section 2 would be effective July 1, 2019, and apply beginning with the 2019-2020 school year. This section would apply only to Currituck County Schools.

**EFFECTIVE DATE:** Except as otherwise provided, SB 123 would become effective when it becomes law, and apply beginning with the 2019-2020 school year.



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 123**

AMENDMENT NO. #1  
(to be filled in by  
Principal Clerk)

S123-ABE-44 [v.5]

Page 1 of 2

Amends Title [YES]  
S123-CSBN-34 [v.4]

Date July 16, 2019

Representative Ball

moves to amend the bill on page 1, line 5, by rewriting the line to read:

"CURRITUCK COUNTY SCHOOLS; AND TO REQUIRE THE STATE BOARD OF  
EDUCATION TO DEVELOP DRAFT POLICIES AND PROCEDURES FOR AUDITING  
PUBLIC SCHOOL ATTENDANCE AND MEMBERSHIP DATA.";

And on page 2, lines 12 – 15, by rewriting the lines to read:

**"PART III: REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP DRAFT  
POLICIES AND PROCEDURES FOR AUDITING PUBLIC SCHOOL ATTENDANCE  
AND MEMBERSHIP DATA.**

**SECTION 3.(a).** Based on a review of all available data, the State Board of  
Education, in consultation with the State Superintendent of Public Instruction and the Charter  
School Advisory Board, shall develop draft policies and procedures for auditing the following  
information at all public schools, including schools participating in the virtual charter school pilot  
program established by Sec. 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L. 2016-94  
and Section 7.13 of S.L. 2018-5:

- (1) Average daily membership at public schools, as reported in the Principal's  
Monthly Report provided to the Department of Public Instruction by each  
school.
- (2) Compliance with the minimum instruction requirements of 185 days or 1,025  
hours.
- (3) Compliance with compulsory attendance enforcement requirements provided  
in G.S. 115C-378.

**SECTION 3.(b).** The State Board of Education shall report on these draft policies  
and procedures, as well as any legislative recommendations, to the Joint Legislative Education  
Oversight Committee by March 15, 2020.



\* S 1 2 3 - A B E - 4 4 - V - 5 \*





**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 123**

AMENDMENT NO. # 1  
(to be filled in by  
Principal Clerk)

S123-ABE-44 [v.5]

Page 2 of 2

1 **PART IV: EFFECTIVE DATE.**

2

3

4

**SECTION 4.** Except as otherwise provided, this act is effective when it becomes law  
and applies beginning with the 2019-2020 school year."

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

D

SENATE BILL 123  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S123-CSBN-34 [v.4]

07/15/2019 07:35:12 PM

Short Title: Geo Iso Sch/Transp Eff Buff/Currituck Cty Sch.

(Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED  
AN ACT TO REVISE THE GEOGRAPHICALLY ISOLATED SCHOOLS FORMULA  
REGARDING THE ALLOCATION OF TEACHERS FOR CURRITUCK COUNTY; AND  
TO INCREASE THE TRANSPORTATION EFFICIENCY BUDGET RATING FOR  
CURRITUCK COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

**PART I: REVISE THE GEOGRAPHICALLY ISOLATED SCHOOLS FORMULA  
REGARDING THE ALLOCATION OF TEACHERS FOR CURRITUCK COUNTY.**

**SECTION 1.(a)** G.S. 115C-301(g1) reads as rewritten:

"(g1) Notwithstanding any other provision of this section, the State Board of Education shall allot additional classroom teachers to schools ~~containing grades kindergarten through 12~~ when consolidation is not feasible due to the geographic isolation of the school and the school meets at least one of the following criteria for geographic isolation:

- (1) The school contains grades kindergarten through 12 and is located in a local school administrative unit in which the average daily membership is less than 1.5 per square mile.
- (2) The school contains grades kindergarten through 12 and is located in a local school administrative unit for 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.
- (3) The school contains grades kindergarten through five, is located in a local school administrative unit for a county containing all or a portion of at least one national wildlife refuge owned by the federal government and managed by the United States Fish and Wildlife Service pursuant to G.S. 104-10, and is only accessible to the majority of the local school administrative unit, while remaining in the local school administrative unit, by ferry.

The State Board shall allot teachers to geographically isolated schools pursuant to this subsection on the basis of one classroom teacher per grade level and shall allot teachers to the remainder of the local school administrative unit in accordance with the formulas for the regular classroom teacher allotment."

**SECTION 1.(b)** This section is effective July 1, 2019, and applies only to Currituck County Schools.



\* S 1 2 3 - C S B N - 3 4 \*

**PART II: INCREASE THE TRANSPORTATION EFFICIENCY BUDGET RATING  
FOR CURRITUCK COUNTY SCHOOLS.**

**SECTION 2.(a)** For purposes of calculating the transportation efficiency budget rating for a local school administrative unit, the Department of Public Instruction shall include an assumption that the transportation efficiency budget rating is at least fifteen percentage points higher than the actual transportation efficiency budget rating calculated by the Department for that local school administrative unit.

**SECTION 2.(b)** This section is effective July 1, 2019, and applies only to Currituck County Schools.

**PART III: EFFECTIVE DATE.**

**SECTION 3.** Except as otherwise provided, this act is effective when it becomes law and applies beginning with the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

1

SENATE BILL 123

Short Title: Portability of Leave/Charter Schools. (Public)  
Sponsors: Senator Sanderson (Primary Sponsor).  
Referred to: Rules and Operations of the Senate

February 25, 2019

A BILL TO BE ENTITLED  
AN ACT TO ALLOW SICK LEAVE TO BE TRANSFERRED BETWEEN A CHARTER  
SCHOOL AND A LOCAL SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-12(8) reads as rewritten:

"(8) Power to Make Provisions for Sick Leave and for Substitute Teachers. – The Board shall provide for sick leave with pay for all public school employees in accordance with the provisions of this Chapter and shall promulgate rules and regulations providing for necessary substitutes on account of sick leave and other teacher absences.

Rules providing for sick leave shall allow sick leave to be transferred between a charter school and a local school administrative unit. Leave to be accepted by a local school administrative unit must not result in leave being accrued at a greater rate than the rate set by the Board.

The minimum pay for a substitute teacher who holds a teaching certificate shall be sixty-five percent (65%) of the daily pay rate of an entry-level teacher with an "A" certificate. The minimum pay for a substitute teacher who does not hold a teaching certificate shall be fifty percent (50%) of the daily pay rate of an entry-level teacher with an "A" certificate. The pay for noncertified substitutes shall not exceed the pay of certified substitutes.

Local boards may use State funds allocated for substitute teachers to hire full-time substitute teachers.

If a teacher assistant acts as a substitute teacher, the salary of the teacher assistant for the day shall be the same as the daily salary of an entry-level teacher with an "A" certificate."

**SECTION 2.** G.S. 115C-218.90(a) is amended by adding a new subdivision to read:

"(6) Charter school employees shall be eligible for the transfer of sick leave as provided under G.S. 115C-12(8)."

**SECTION 3.** This act is effective when it becomes law and applies to individuals employed by a local school administrative unit or a charter school on or after that date.





**House Committee on Education - K-12**  
**Tuesday, July 30, 2019 at 9:30 AM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - K-12 met at 9:30 AM on July 30, 2019 in Room 643 of the Legislative Office Building. Representatives Jeffrey Elmore, Craig Horn, Linda Johnson, Hugh Blackwell, Cecil Brockman, Cynthia Ball, Scott Brewer, Mark Brody, Susan Fisher, John Fraley, Donny Lambeth, Jeffrey McNeely, Craig Meyer, Larry Potts, Larry Strickand, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 9:32 AM and introduced the Sergeant-At-Arms who would be assisting with the committee and recognized the pages. Copies of the attendance and visitor registration are attached to these minutes (Attachments 1-4).

The following bills were considered:

**SB 295, NC HS Graduation as Evidence of Residency.** (Primary Sponsor: Senator Tillman), (Attachments 5-6)

Representative Horn announced there was a PCS for **SB 295, NC HS Graduation as Evidence of Residency** and the PCS would have the short title, **Standards of Student Conduct**. (Attachment 7) There was no objection to the PCS. Representative Horn recognized Representative Torbett to explain the bill. The 1<sup>st</sup> Edition of SB 295 would allow graduation from a North Carolina high school to be used as evidence to establish residency for in-State tuition in North Carolina. The PCS would delete the entire contents of the bills and replace it with various changes to the requirements for school discipline policies.

Representative Fisher thanked Representative Torbett for bringing forth this bill and said that it looked like an improvement from a bill they had previously seen that seemed to ignore federal policy and she wanted to know how that change came about. Representative Fisher said she would be remiss if she did not say that all 115 LEAs have decided against using any form of corporal punishment in their school systems and asked if this bill would affirm that in any way. Representative Brewer said including law enforcement in this, asked how are school boards going to do this. Representative Brewer also asked why someone from the Department of Juvenile Justice is not involved in this because some of these things could lead to charges that may end up in the court system. Representative Lambeth asked about the report date of September 1<sup>st</sup>. Representative Lambeth also mentioned local boards of education may require students and parents to sign acknowledgement which also suggests that they may not require and the difference between "may" and "shall." Representative Lambeth asked if this has the endorsement of the School Board Association or any other organization. Representative Brockman mentioned that the teachers he has talked to have mentioned we need a bill like this that addresses discipline but he does have a concern that African American students in our public schools will be affected more by this bill than other students. Representative Meyer wanted to follow-up on Representative Brockman's concerns and mentioned his concern that this bill could create an unintentional disparate impact





on students of color, poor students, immigrant students, and anyone who is marginalized. Representative Meyer specifically mentioned Lines 34-36, which are stricken from the PCS, and how they would be helpful guidance to school districts. Representative Meyer said that taking this guidance out would leave room for more interpretation than what we have had in the law and felt that removing this language seemed like taking a step back. Representative White said she thinks this bill gives the local community more of a chance to bring in local support and groups to design a method of preventing long-term suspensions and expulsions. Representative Elmore wanted to thank Representative Torbett for working with the chairs on the language and felt that this bill would allow them to review all the policies if needed and at the same time give the locals a little more control.

Representative Elmore was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

The meeting adjourned at 9:49 AM.



Representative D. Craig Horn, Chair  
Presiding



Erin Wilson, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms and Pages
4. Visitor Registration
5. SB 295 Summary
6. SB 295 Edition 1
7. PCS S295-CSBE-34 [v.3]

Wm. H. Allen

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, July 30, 2019

**TIME:** 9:30 AM

**LOCATION:** 643 LOB

**COMMENTS:** SB 295 will be added to tomorrow's calendar. A PCS for SB 295 with the short title, Standards of Student Conduct, will be presented.

**Representative Horn will preside.**

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:37 PM on Monday, July 29, 2019.

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

Erin Wilson (Committee Assistant)



Updated #1: Bill Added to Agenda

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, July 30, 2019

**TIME:** 9:30 AM

**LOCATION:** 643 LOB

**COMMENTS:** A PCS with the short title, Standards of Student Conduct, will be offered for SB 295.

**Representative Horn will preside.**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 295</u>	NC HS Graduation as Evidence of Residency.	Senator Tillman

Respectfully,

Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair  
Representative Linda P. Johnson, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 7:27 PM on Monday, July 29, 2019.

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

Erin Wilson (Committee Assistant)



**House Committee on Education - K-12**  
**Tuesday, July 30, 2019, 9:30 AM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 295	NC HS Graduation as Evidence of Residency.	Senator Tillman

\*A PCS with the short title, Standards of Student Conduct, will be offered for SB 295.





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**Representative Linda P. Johnson, Co-Chair**

**FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**SB 295**

NC HS Graduation as Evidence of Residency.

Draft Number: S295-PCS15399-BE-34

Serial Referral: **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Torbett

TOTAL REPORTED: 1



\* C M R 7 7 0 - V - 1 \*



# ATTENDANCE

## House Education-K-12 Committee

### 2019 Long Session

DATES	7/30																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Linda Johnson, Chair	✓																		
Rep. Hugh Blackwell, Vice Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	-																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	-																		
Rep. Kevin Corbin	-																		
Rep. Jean Farmer-Butterfield	-																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	-																		
Rep. Rosa Gill	-																		
Rep. Charles Graham	-																		
Rep. Jon Hardister	-																		
Rep. Cody Henson	-																		
Rep. Frank Iler	-																		
Rep. Donny Lambeth	✓																		
Rep. Marvin Lucas	-																		
Rep. Jeffrey McNeely	✓																		



DATES	7/30																
Rep. Graig Meyer	✓																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	~																
Rep. Kandie Smith	~																
Rep. Larry Strickland	✓																
Rep. Donna McDowell White	✓																
Ex-officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education K-12

DATE: 07/30/2019 Room: 643 LOB

House Sgt-At Arms:

1. Name: Terry McCraw
2. Name: Jim Moran
3. Name: Thomas Terry
4. Name: Bill Moore
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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





**House Pages**  
**Assignments**  
**Tuesday, July 30, 2019**  
**Session: 3:15 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Education - K-12	643	9:30 AM	Sarah Baker		Rep. Lisa Stone Barnes
			Walker Brittain		Rep. William O. Richardson
			Logan Byrd		Rep. Larry C. Strickland
			Charlotte Mattimiro		Rep. Julie von Haefen



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

07/30/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Hampton Billips	KTS
Resha Fortson	SEANC
Flint Benson	SEANC
Marzvg Islam	Page
Sebastian Hartley	page
Emily Schertz	Page
Caroline Nance	Page
Ashley Alcivar	Page
Abigail Martin	Page
meredith Koonts	Page
Michael Wiggins	page
Skys David	uf



# VISITOR REGISTRATION SHEET

House Committee on Education K-12

07/30/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lacey Mathis	Page
Ethan Fleer	Page
Grace Hudson	House Page
April Neumann	MINC
Sallia James	Governor's Office
Austen Howell	UNE System
Karson Nelson	NCDPI
Cecilia Holden	NCSBE



## VISITOR REGISTRATION SHEET

House Committee on Education K-12

07/30/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tucker Coombs	Harnett Teenage Republicans 5371 US 401 N, Fuquay Varina NC 27526
Bailey Hill	Harnett Teenage Republicans 1837 Loop Rd, Bunnlevel NC 28323
Marge Foreman	NCAE
Radwyl S. Plund	P. Plund & Assoc.
Debbie Clary	NCSP
Henry M Lancaster	LEA
Bruce Mheldworf	NCSBA
Adam Pridemore	NCAEE
Elizabeth Yelverton	NCASA
Leanne Winnie	NCSBA
David Hinen	NC Center for Nonprofits







## SENATE BILL 295: Standards of Student Conduct.

2019-2020 General Assembly

**Committee:** House Education - K-12  
**Introduced by:** Sen. Tillman  
**Analysis of:** PCS to First Edition  
S295-CSBE-34

**Date:** July 30, 2019  
**Prepared by:** Brian Gwyn  
Committee Co-Counsel

**OVERVIEW:** *The 1st Edition of SB 295 would allow graduation from a North Carolina high school to be used as evidence to establish residency for in-State tuition in North Carolina. The PCS would delete the entire contents of the bill and replace it with various changes to the requirements for school discipline policies.*

**CURRENT LAW:** Article 27 of Chapter 115C of the General Statutes establishes requirements that local boards of education (LBEs) must follow when administering student discipline. G.S. 115C-390.2(a) requires LBEs to adopt policies and procedures that school officials must follow when disciplining students. The policies must be consistent with State and federal law.

G.S. 115C-390.2(f) requires board policies to restrict long-term suspensions or expulsions to serious violations of the Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Examples of violations not deemed serious include:

- Inappropriate or disrespectful language.
- Noncompliance.
- Dress code violations.
- Minor physical altercations that do not involve weapons or injury.

The principal may determine that aggravating circumstances justify treating a minor violation as a serious violation.

G.S. 115C-390.2(k) encourages school officials to use a full range of responses to disciplinary violations that do not involve removing the student from the classroom or school building.

**BILL ANALYSIS:** The PCS would do the following:

- Require LBEs to consult with teachers, school-based administrators, parents, and local law enforcement agencies when adopting policies related to student conduct.
- Require LBEs to review current federal guidance prior to adopting discipline policies.
- Require LBEs to send their most current discipline policies to the Department of Public Instruction each year by September 1.
- Remove the statutory examples deemed to not be serious violations of the LBE's Code of Student Conduct.
- Authorize LBEs to require students and parents or guardians to sign an acknowledgement that they received a copy of any discipline policies, procedures, or rules.
- Encourage school officials to inform parents or guardians before responding to disciplinary violations.
- Clarify that State law does not regulate an LBE's discretion to devise, impose, or enforce personal appearance codes.

**EFFECTIVE DATE:** The PCS would be effective when it becomes law and would apply beginning with the 2020-2021 school year.

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.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

S

1

**SENATE BILL 295**

Short Title: NC HS Graduation as Evidence of Residency. (Public)

Sponsors: Senator Tillman (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 20, 2019

A BILL TO BE ENTITLED  
AN ACT TO ALLOW EVIDENCE OF NORTH CAROLINA HIGH SCHOOL GRADUATION  
FOR STUDENTS TO REBUT THE PRESUMPTION THAT THE STUDENT'S  
RESIDENCE IS THE PARENT'S RESIDENCE FOR ESTABLISHING RESIDENCY FOR  
IN-STATE TUITION FOR NORTH CAROLINA COMMUNITY COLLEGES AND  
UNIVERSITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-143.1 reads as rewritten:

**"§ 116-143.1. Provisions for determining resident status for tuition purposes.**

(a) As defined under this section:

- (1) A "legal resident" or "resident" is a person who qualifies as a domiciliary of North Carolina; a "nonresident" is a person who does not qualify as a domiciliary of North Carolina.
- (2) A "resident for tuition purposes" is a person who qualifies for the in-State tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-State tuition rate.
- (3) "Institution of higher education" means any of the constituent institutions of the University of North Carolina and the community colleges under the jurisdiction of the State Board of Community Colleges.
- (4) "Authority" means the State Education Assistance Authority created by and authorized to act under Article 23 of Chapter 116 of the General Statutes.

(b) To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes. Every applicant for admission shall be required to make a statement as to his length of residence in the State.

(c) To be eligible for classification as a resident for tuition purposes, a person must establish that his or her presence in the State currently is, and during the requisite 12-month qualifying period was, for purposes of maintaining a bona fide domicile rather than of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(d) An individual shall not be classified as a resident for tuition purposes and, thus, not rendered eligible to receive the in-State tuition rate, until he or she has provided such evidence related to legal residence and its duration as may be required by the coordinated and centralized residency determination process administered by the Authority in accordance with this Article acting on behalf of officials of the institution of higher education from which the individual seeks the in-State tuition rate.



1 (e) When an individual presents evidence that the individual has living parent(s) or  
2 court-appointed guardian of the person, the legal residence of such parent(s) or guardian shall be  
3 prima facie evidence of the individual's legal residence, ~~which residence. This presumption~~ may  
4 be reinforced or rebutted relative to the age and general circumstances of the individual by the  
5 other evidence of legal residence required of or presented by the individual; ~~provided, that the~~  
6 individual. One general circumstance that may be considered is whether an individual has  
7 graduated from a North Carolina high school. The legal residence of an individual whose parents  
8 are domiciled outside this State shall not be prima facie evidence of the individual's legal  
9 residence if the individual has lived in this State the five consecutive years prior to enrolling or  
10 reregistering at an institution of higher education.

11 (f) In making domiciliary determinations related to the classification of persons as  
12 residents or nonresidents for tuition purposes, the domicile of a married person, irrespective of  
13 sex, shall be determined, as in the case of an unmarried person, by reference to all relevant  
14 evidence of domiciliary intent. For purposes of this section:

15 (1) No person shall be precluded solely by reason of marriage to a person  
16 domiciled outside North Carolina from establishing or maintaining legal  
17 residence in North Carolina and subsequently qualifying or continuing to  
18 qualify as a resident for tuition purposes;

19 (2) No persons shall be deemed solely by reason of marriage to a person  
20 domiciled in North Carolina to have established or maintained a legal  
21 residence in North Carolina and subsequently to have qualified or continued  
22 to qualify as a resident for tuition purposes;

23 (3) In determining the domicile of a married person, irrespective of sex, the fact  
24 of marriage and the place of domicile of his or her spouse shall be deemed  
25 relevant evidence to be considered in ascertaining domiciliary intent.

26 (g) Any nonresident person, irrespective of sex, who marries a legal resident of this State  
27 or marries one who later becomes a legal resident, may, upon becoming a legal resident of this  
28 State, accede to the benefit of the spouse's immediately precedent duration as a legal resident for  
29 purposes of satisfying the 12-month durational requirement of this section.

30 ...."

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

D

SENATE BILL 295  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S295-CSBE-34 [v.3]

07/29/2019 05:28:12 PM

Short Title: Standards of Student Conduct.

(Public)

Sponsors:

Referred to:

March 20, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO LOCAL STANDARDS OF STUDENT  
3 CONDUCT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-390.2 reads as rewritten:

6 "§ 115C-390.2. Discipline policies.

7 (a) Local boards of education-education, in consultation with teachers, school-based  
8 administrators, parents, and local law enforcement agencies, shall adopt policies to govern the  
9 conduct of students and establish procedures to be followed by school officials in disciplining  
10 students. These policies must be consistent with the provisions of this Article and the  
11 constitutions, statutes, and regulations of the United States and the State of North Carolina. Prior  
12 to adopting these polices, local boards of education shall review current federal guidance issued  
13 by the United States Department of Education.

14 (a) No later than September 1 of each year, each local board of education shall provide  
15 the Department of Public Instruction with a copy of its most up-to-date student discipline  
16 policies.

17 (b) Board policies shall include or provide for the development of a Code of Student  
18 Conduct that notifies students of the standards of behavior expected of them, conduct that may  
19 subject them to discipline, and the range of disciplinary measures that may be used by school  
20 officials.

21 (c) Board policies may authorize suspension for conduct not occurring on educational  
22 property, but only if the student's conduct otherwise violates the Code of Student Conduct and  
23 the conduct has or is reasonably expected to have a direct and immediate impact on the orderly  
24 and efficient operation of the schools or the safety of individuals in the school environment.

25 (d) Board policies shall not allow students to be long-term suspended or expelled from  
26 school solely for truancy or tardiness offenses and shall not allow short-term suspension of more  
27 than two days for such offenses.

28 (e) Board policies shall not impose mandatory long-term suspensions or expulsions for  
29 specific violations unless otherwise provided in State or federal law.

30 (f) Board policies shall minimize the use of long-term suspension and expulsion by  
31 restricting the availability of long-term suspension or expulsion to those violations deemed to be  
32 serious violations of the board's Code of Student Conduct that either threaten the safety of  
33 students, staff, or school visitors or threaten to substantially disrupt the educational environment.  
34 ~~Examples of conduct that would not be deemed to be a serious violation include the use of~~  
35 ~~inappropriate or disrespectful language, noncompliance with a staff directive, dress code~~  
36 ~~violations, and minor physical altercations that do not involve weapons or injury. The principal~~



\* S 2 9 5 - C S B E - 3 4 \*

1 may, however, in his or her discretion, determine that aggravating circumstances justify treating  
2 a minor violation as a serious violation.

3 (g) Board policies shall not prohibit the superintendent and principals from considering  
4 the student's intent, disciplinary and academic history, the potential benefits to the student of  
5 alternatives to suspension, and other mitigating or aggravating factors when deciding whether to  
6 recommend or impose long-term suspension.

7 (h) Board policies shall include the procedures to be followed by school officials in  
8 suspending, expelling, or administering corporal punishment to any student, which shall be  
9 consistent with this Article.

10 (i) Each local board shall publish all policies, administrative procedures, or school rules  
11 mandated by this section and make them available to each student and his or her parent at the  
12 beginning of each school year and upon request. Local boards of education may require students  
13 and parents or guardians to sign an acknowledgement that they have received a copy of such  
14 policies, procedures, or rules.

15 (j) Local boards of education are encouraged to include in their safe schools plans,  
16 adopted pursuant to G.S. 115C-105.47, research-based behavior management programs that take  
17 positive approaches to improving student behaviors.

18 (k) ~~School~~ After informing the parent or guardian, school officials are encouraged to use  
19 a full range of responses to violations of disciplinary rules, such as conferences, counseling, peer  
20 mediation, behavior contracts, instruction in conflict resolution and anger management,  
21 detention, academic interventions, community service, and other similar tools that do not remove  
22 a student from the classroom or school building.

23 (l) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions.  
24 A student subject to an absence under G.S. 130A-440 shall be provided the following:

25 (1) The opportunity to take textbooks and school-furnished digital devices home  
26 for the duration of the absence.

27 (2) Upon request, the right to receive all missed assignments and, to the extent  
28 practicable, the materials distributed to students in connection with the  
29 assignment.

30 (3) The opportunity to take any quarterly, semester, or grading period  
31 examinations missed during the absence period.

32 (m) Nothing in this section or any section of this Chapter shall be construed as regulating  
33 a local board of education's discretion to devise, impose, and enforce personal appearance codes."

34 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
35 the 2020-2021 school year.



**North Carolina General Assembly**

**House Committee on Education K-12**

**Short Session 2020**

**Chair(s)**

**Representative Hugh Blackwell  
Representative Jeffrey Elmore  
Representative Craig Horn**

**Co-Chair(s)**

**Representative Cecil Brockman**

**Committee Clerk(s)**

**Brooke Mason  
Sarah Bush  
Erin Wilson**





**EDUCATION - K-12****House Standing Committee****Chairs**

Rep. Blackwell



Rep. Elmore



Rep. Horn

**Vice Chair**

Rep. Brockman

**Members**

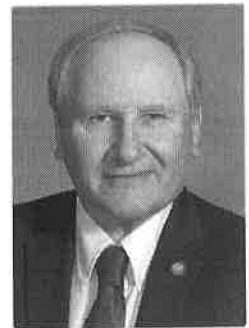
Rep. Ball



Rep. Beasley



Rep. Brewer



Rep. Brody



Rep. Clemmons



Rep. Corbin



Rep. Farmer-Butterfield

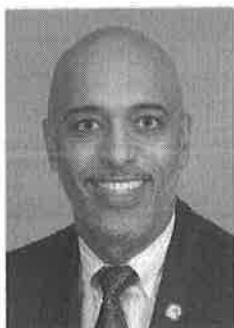


Rep. Fisher





Rep. Fraley



Rep. Galliard



Rep. Gill



Rep. Graham



Rep. Hardister



Rep. Iler



Rep. J. Johnson



Rep. Lambeth



Rep. Lucas



Rep. McNeely



Rep. Meyer



Rep. Potts



Rep. Riddell



Rep. K. Smith



Rep. Strickland



Rep. White

Pursuant to House Rules 26(e) and 26(f), the Chair of the Committee on Rules, Calendar and Operations of the House, the Speaker Pro Tempore, the Majority Leader, and the Deputy Majority Leader are ex officio members of each standing committee and permanent subcommittee with the right to vote. The previous sentence does not apply to the Standing Committee on Ethics. For the purposes of determining a quorum, when serving only as ex officio members, these members shall be counted among the membership of the committee or subcommittee only when present.



**HOUSE COMMITTEE ON EDUCATION K-12**

<b><u>MEMBER</u></b>	<b><u>ASSISTANT</u></b>	<b><u>PHONE</u></b>	<b><u>OFFICE</u></b>
Rep. Hugh Blackwell	Brooke Mason	733-5805	541 LOB
Rep. Jeffrey Elmore	Sarah Bush	733-5935	301D LOB
Rep. Craig Horn	Erin Wilson	733-2406	305 LOB
Rep. Cecil Brockman	Grady O'Brien	733-5825	2119 LB
Rep. Cynthia Ball	Patty Williams	733-5860	1004 LB
Rep. Chaz Beasley	Michael Wilson	733-5654	403 LOB
Rep. Scott Brewer	Dylan Frick	733-5823	542 LOB
Rep. Mark Brody	Neva Helms	715-3029	416B LOB
Rep. Ashton Clemmons	Karrington Harris	733-5781	1211 LB
Rep. Kevin Corbin	Cindy Hobbs	733-5859	2215 LB
Rep. Jean Farmer- Butterfield	James Butler	733-5898	1220 LB
Rep. Susan Fisher	Brittany Taylor	715-2013	504 LOB
Rep. John Fraley	Jan Copeland	733-5741	637 LOB
Rep. James Gailliard	Monica Taylor	733-5802	536 LOB
Rep. Rosa Gill	Lisa Ray	733-5880	1303 LB
Rep. Charles Graham	Linda Laton	715-0875	1309 LB
Rep. Jon Hardister	Jayne Nelson	733-5191	638 LOB
Rep. Frank Iler	Carla Langdon	301-1450	639 LOB
Rep. Jake Johnson	Megan Kluttz	715-4466	602 LOB
Rep. Donny Lambeth	Pan Briles	733-5747	303 LOB



<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>
Rep. Marvin Lucas	Thelma Utley	733-5775	402 LOB
Rep. Jeffrey McNeely	Barbara Gaiser	733-5661	606 LOB
Rep. Graig Meyer	Daphne Quinn	715-3019	1017 LB
Rep. Larry Potts	Caroline David	715-0873	307C LOB
Rep. Dennis Riddell	Polly Riddell	733-5905	416A LOB
Rep. Kandie Smith	Edward Sheehy	715-3023	1315 LB
Rep. Larry Strickland	Collin Miller	733-5849	533 LOB
Rep. Donna McDowell White	Susan Mullins	733-5605	306A2 LOB
<u>Ex-officio</u>			
Rep. John Bell	Susan Horne	715-3017	301F LOB
Rep. Brenden Jones	Jacob Hardesty	733-5821	1227 LB
Rep. David Lewis	Grace Rogers	715-3015	2301 LB
Rep. Sarah Stevens	Lisa Brown	715-1883	419 LOB





# ATTENDANCE

## House Education-K-12 Committee

### 2020 Short Session

Members	4/28/20	6/2/20	6/16/20														
Committee Chair	Elmore	Elmore	Horn														
Meeting minutes																	
Rep. Hugh Blackwell, Chair	✓	✓	✓														
Rep. Jeffrey Elmore, Chair	✓	✓	✓														
Rep. Craig Horn, Chair	✓	✓	✓														
Rep. Cecil Brockman, Vice Chair	✓	✓	✓														
Rep. Cynthia Ball	✓	✓	✓														
Rep. Chaz Beasley	✓	✓	✓														
Rep. Scott Brewer	✓	✓	✓														
Rep. Mark Brody	x	x	✓														
Rep. Ashton Clemmons	✓	✓	✓														
Rep. Kevin Corbin	✓	✓	✓														
Rep. Jean Farmer-Butterfield	✓	✓	x														
Rep. Susan Fisher	✓	✓	✓														
Rep. John Fraley	✓	✓	✓														
Rep. James Gailliard	✓	✓	x														
Rep. Rosa Gill	✓	✓	✓														
Rep. Charles Graham	✓	✓	x														
Rep. Jon Hardister	✓	✓	✓														
Rep. Frank Iler	✓	✓	✓														
Rep. Jake Johnson	✓	✓	✓														
Rep. Donny Lambeth	✓	x	x														



<b>Members</b>	<b>4/28/20</b>	<b>6/2/20</b>	<b>6/16/20</b>														
<b>Committee Chair</b>	<b>Elmore</b>	<b>Elmore</b>	<b>Horn</b>														
<b>Meeting minutes</b>																	
Rep. Marvin Lucas	✓	x	x														
Rep. Jeffrey McNeely	✓	✓	✓														
Rep. Graig Meyer	✓	✓	✓														
Rep. Larry Potts	✓	✓	✓														
Rep. Dennis Riddell	✓	x	✓														
Rep. Kandie Smith	✓	✓	x														
Rep. Larry Strickland	x	x	x														
Rep. Donna McDowell White	✓	✓	✓														
Ex-Officio																	
Rep. John Bell																	
Rep. Brendon Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	



**House Committee on Education - K-12**  
**Tuesday, April 28, 2020 at 4:00 PM**  
**Room 1228/1327 of the Legislative Building**

**MINUTES**

The House Committee on Education - K-12 met at 4:00 PM on April 28, 2020 in Room 1228/1327 of the Legislative Building. Representatives Hugh Blackwell, Jeffrey Elmore, Craig Horn, Cecil Brockman, Cynthia Ball, Chaz Beasley, Scott Brewer, Ashton Clemmons, Kevin Corbin, Jean Farmer-Butterfield, Susan Fisher, John Fraley, James Gailliard, Rosa Gill, Charles Graham, Jon Hardister, Frank Iler, Jake Johnson, Donny Lambeth, Marvin Lucas, Jeffrey McNeely, Graig Meyer, Larry Potts, Dennis Riddell, Kandie Smith, and Donna McDowell White attended.

Representative Jeffrey Elmore, Co-Chair, called the meeting to order at 4:00 PM and introduced the Sergeant-At-Arms who would be assisting with the committee. A copy of the attendance is attached to these minutes. (Attachments 1-3).

Representative Elmore made opening remarks and welcomed Representative Blackwell as a new Co-Chair to the committee. Representative Horn expressed his appreciation for the work of the COVID-19 Education Working Group.

The following bills were considered:

**HB 1035 Education Omnibus/COVID-19.** (Primary Sponsors: Representatives Horn, Fraley, and Clemmons), (Attachments 4-5)

Representative Elmore recognized Kara McCraw, Legislative Analysis, to explain the bill. The bill would provide relief to elementary and secondary school students, postsecondary school students, school personnel, and educational entities related to extraordinary circumstances resulting from COVID-19 during the 2019-2020 school year/academic year.

Representative Fisher thanked the committee and the subcommittee for their hard work on the COVID-19 Education legislation and the issues it addresses. Representative Corbin complimented the Chairs of the COVID-19 Education Working Group and said this was a very bipartisan effort.

Representative Blackwell was recognized for a motion to receive a favorable report for HB 1035 with a referral to Rules. Representative Elmore asked for a roll call vote and the motion passed unanimously. (Attachment 6).

The meeting adjourned at 4:33 PM.

  
\_\_\_\_\_  
Representative Jeffrey Elmore, Chair  
Presiding

  
\_\_\_\_\_  
Erin Wilson, Committee Clerk



Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms
4. HB 1035 Summary
5. HB 1035 Edition 1
6. Roll Call Vote





Updated #2: Bill Added

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, April 28, 2020

**TIME:** 4:00 PM

**LOCATION:** 1228/1327 LB

**COMMENTS:** In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House Select Committee on Covid-19 and subcommittees will meet remotely, not in person, to minimize the gathering of Members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by listening or watching remotely. The public will be able to listen to a live stream audio via the NCGA committee website link by using committee room number 1228 of the Legislative Building. Additional video links are posted at [ncleg.gov](http://ncleg.gov).

**Representative Jeffrey Elmore will be Chairman.**

The following bills will be considered:

**BILL NO.    SHORT TITLE**

HB 1035      Education Omnibus/COVID-19.

**SPONSOR**

Representative Horn

Representative Fraley

Representative Clemmons



Respectfully,

Representative Hugh Blackwell, Co-Chair  
Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:43 PM on Tuesday, April 28, 2020.

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

Erin Wilson (Committee Assistant)



**Updated #1: Rep. Elmore will be Chairman**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

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**COMMENTS:** In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House Select Committee on Covid-19 and subcommittees will meet remotely, not in person, to minimize the gathering of Members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by listening or watching remotely. The public will be able to listen to a live stream audio via the NCGA committee website link by using committee room number 1228 of the Legislative Building. Additional video links are posted at [ncleg.gov](http://ncleg.gov).

**Representative Jeffrey Elmore will be Chairman.**

Respectfully,

Representative Hugh Blackwell, Co-Chair  
Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:44 PM on Monday, April 27, 2020.

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

Ann Luck (Committee Assistant)



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, April 28, 2020

**TIME:** 4:00 PM

**LOCATION:** 1228/1327 LB

**COMMENTS:** In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House Select Committee on Covid-19 and subcommittees will meet remotely, not in person, to minimize the gathering of Members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by listening or watching remotely. The public will be able to listen to a live stream audio via the NCGA committee website link by using committee room number 1228 of the Legislative Building. Additional video links are posted at [ncleg.gov](http://ncleg.gov).

**Representative Craig Horn will be Chairman.**

Respectfully,

Representative Hugh Blackwell, Co-Chair  
Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:16 PM on Monday, April 27, 2020.

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

Ann Luck (Committee Assistant)





## **House Education - K-12**

### **Agenda**

April 28, 2020

4:00 P.M., Room 1228/1327 Legislative Building

Audio also available by livestream

Rep. Elmore, Chairing

#### **Welcome and Introductions**

Representative Blackwell, Co-Chair

Representative Elmore, Co-Chair

Representative Horn, Co-Chair

#### **I. HB 1035 Education Omnibus/COVID-19**

Representative Horn

#### **II. Committee Discussion**

#### **III. Adjourn**



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Hugh Blackwell, Co-Chair**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**FAVORABLE AND RE-REFERRED**

**HB 1035**

Education Omnibus/COVID-19.

Draft Number: None

Serial Referral: **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Elmore

TOTAL REPORTED: 1



\* C M R 8 8 0 - V - 1 \*



# ATTENDANCE

## House Education-K-12 Committee

### 2020 Short Session

DATES	4-28-20																		
Rep. Hugh Blackwell, Chair	✓																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody																			
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield	✓																		
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard	✓																		
Rep. Rosa Gill	✓																		
Rep. Charles Graham	✓																		
Rep. Jon Hardister	✓																		
Rep. Frank Iler	✓																		
Rep. Jake Johnson	✓																		
Rep. Donny Lambeth	✓																		
Rep. Marvin Lucas	✓																		
Rep. Jeffrey McNeely	✓																		
Rep. Graig Meyer	✓																		



DATES	4-28-20																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith	✓																
Rep. Larry Strickland																	
Rep. Donna McDowell White	✓																
Ex-Officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	





Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education K-12

DATE: Tuesday, April 28, 2020

Room: 1228/1327

House Sgt-At Arms:

1. Name: Jonas Cherry

2. Name: Rey Cooke

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

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

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

Senate Sgt-At Arms:

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

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

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

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

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





# HOUSE BILL 1035: Education Omnibus/COVID-19.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 28, 2020
<b>Introduced by:</b>	Reps. Horn, Fraley, Clemmons	<b>Prepared by:</b>	Committee Staff*
<b>Analysis of:</b>	First Edition		

---

**OVERVIEW:** *House Bill 1035 would provide relief to elementary and secondary school students, postsecondary school students, school personnel, and educational entities related to extraordinary circumstances resulting from COVID-19 during the 2019-2020 school year/academic year.*

**BILL ANALYSIS:** The provisions are as follows:

- Section 1 Definitions.** – Defines terms used throughout the draft.
- Section 2 Introduction.** – States the purpose of the act as a response to the COVID-19 emergency.
- Section 3.1 Testing Waivers.** – Clarifies or modifies various testing requirements, including EOGs, EOCs, the ACT, diagnostic and formative assessments for grades K-3, and WorkKeys.
- Section 3.2 School Report Card Waivers.** – Waives the requirements for calculation and display of school report cards. Also waives certain requirements related to the evaluation of alternative schools and public school building-level reports.
- Section 3.3 Low-Performing School Waivers.** – Waives identification of new low-performing schools, new continually low-performing schools, and new low-performing local school administrative units. Maintains identifications based on 2018-2019 data.
- Section 3.4 ISD Waivers.** – Repeals the requirement that a new school be selected for the Innovative School District (ISD) based on data from the 2019-2020 school year. Waives the requirement that schools be added to the qualifying list for the ISD based on 2019-2020 data, and directs that schools added to the qualifying list based on 2018-2019 data remain on the qualifying list for the 2020-2021 school year.
- Section 3.5 Read to Achieve Waivers:**
- **Subsection (a): Third Grade Retention Determination.** – Allows principals to make third grade promotion decisions in the same manner as for other grades.
  - **Subsection (b): Parental Notice and Interventions.** – Makes the following modifications: (i) directs that statutorily-required notice be provided to parents based on data available up until the school closure period, (ii) waives monthly progress reports during the school closure period for students currently retained in third grade, (iii) requires that third graders retained for 2020-2021 based on principal discretion receive the same statutorily-required interventions they would have received had they been retained under mandatory retention.

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 Bill 1035

Page 2

- **Subsection (c): Reading Camps and Recommendation for Alternative Interventions.** – Waives reading camps corresponding to the 2019-2020 school year. Requires the State Board to submit recommendations to the Joint Legislative Education Oversight Committee on alternative interventions to summer instruction.
- **Subsection (d): Fourth Grade Reading Assessment.** – Requires a reading assessment to be administered to students entering fourth grade in 2020-2021 within 10 days of the start of the school year.
- **Subsection (e): Reporting Requirements.** – Waives online posting of K-3 reading outcomes. Specifies that reading data collected prior to the school closure period be reported to the Joint Legislative Education Oversight Committee.

**Section 3.6 Advanced Math Placement Waiver.** – Waives mandatory advanced math placement based on EOG or EOC scores.

**Section 3.7 CPR Graduation Requirement Waiver.** – Waives the statutory CPR graduation requirement for students who cannot complete it due to school closure, but are otherwise qualified to graduate.

**Section 3.8 School Calendar and Attendance Modifications.** –

- **Subsection (a): 2019-2020 School Year Calendar.** – Allows remote instruction to satisfy the statutory instructional time requirement.
- **Subsection (b): Student Attendance Enforcement for 2019-2020.** – Waives attendance enforcement requirements during the school closure period.
- **Subsection (c): Supplemental Jump Start Instruction.** – States the intent of the General Assembly to provide for supplementary summer instruction in August 2020.
- **Subsection (d): 2020-2021 School Year Calendar.** – Allows public school units to begin the school year as early as August 17, 2020.

**Section 4.1 Budget Flexibility for Local Boards of Education.** –

- **Subsection (a): Flexibility for the Remainder of FY 2019-2020.** – Provides increased flexibility for local boards of education to transfer the unexpended cash balance in an allotment category to another allotment category with certain limitations for the remainder of the 2019-2020 fiscal year.
- **Subsection (b): Flexibility for FY 2020-2021.** – Provides increased flexibility for local boards of education to transfer funds from one allotment category to another allotment category with certain limitations for the 2020-2021 fiscal year.

**Section 4.2 Delay K-3 Class Size Reduction/Adjust Program Enhancement Teacher Allotment Funds.** – Delays the kindergarten through third grade class size reduction for one school year and makes a corresponding reduction in the funding for program enhancement teacher positions for the 2020-2021 fiscal year.

**Section 5.1 Principal Recruitment Supplement Eligibility Continuation.** – Would (i) permit eligible schools for purposes of the principal recruitment salary supplement to continue to be eligible schools from the 2019-2020 school year to the 2020-2021 school year and (ii) clarify an incorrect statutory reference.

# House Bill 1035

Page 3

- Section 5.2 Intent of General Assembly on 2019-2020 School Growth Scores and Principal Salaries.** – Expresses the intent of the General Assembly to refrain from using 2019-2020 school growth scores when establishing the 2020-2021 Principal Salary Schedule and, if school growth scores are used, to use data from the 2018-2019 school year or earlier.
- Section 5.3 Teacher Performance Notification Waiver.** – Would waive the requirement for the 2020-2021 school year that principals notify teachers of updated Education Value-Added Assessment System (EVAAS) data from the 2019-2020 school year.
- Section 5.4 Teacher Effectiveness Reporting Waivers.** – Would (i) waive requirements that local school administrative units provide the State Board of Education with teacher performance data from the 2019-2020 school year and that the State Board include such data in its own report and (ii) add a missing statutory heading to G.S. 115C-299.5.
- Section 5.5 Revise Teacher Evaluation Requirements and Waive Teacher Observation Requirements.** – Would permit annual teacher evaluations from the 2019-2020 school year to be based on (i) observations completed in the 2019-2020 school year prior to the closure of public schools and (ii) other artifacts and evidence from the 2019-2020 school year. Waives any required observations not completed prior to the closure of public schools.
- Section 6.1 Standardized Testing Waiver for Nonpublic Schools.** – Waives requirements in the 2019-2020 school year for nonpublic schools to administer and maintain records of standardized tests.
- Section 6.2 Attendance and Calendar Waiver for Nonpublic Schools.** – Waives requirements for nonpublic schools to (i) keep attendance records during the closure of public schools by the Governor and (ii) operate for at least nine calendar months in the 2019-2020 school year.
- Section 7.1 Standardized Testing and Reporting Waiver for Nonpublic Schools with Opportunity Scholarship Students.** – Waives requirements in the 2019-2020 school year for nonpublic schools with students receiving opportunity scholarship grants to administer and report on standardized tests.
- Section 7.2 Opportunity Scholarship Grant Late Disbursements.** – Allows the State Education Assistance Authority (Authority) to use carryforward from the Opportunity Scholarship Program to remit scholarship grant funds by October 1, 2020, to a nonpublic school that was unable to complete a parent endorsement for those funds for the spring semester of the 2019-2020 school year.
- Section 7.3 Extension of K-12 Scholarship Program Report Dates.** – Provides a one-month extension for the Authority to submit its annual reports on the Opportunity Scholarship Grant Program and the Disabilities Grant Program to the Joint Legislative Education Oversight Committee.
- Section 8.1 Modifications related to Educator Preparation Programs (EPPs):**
- **Subsection (a): Waiver of Minimum EPP Admission Requirements.** – Waives the following minimum requirements for EPP admissions for the 2020-2021 academic year: (i) the testing requirement, (ii) the individual GPA requirement of at least a 2.7, provided the student has at least a 2.7 before beginning a clinical internship, and (iii) the cohort GPA requirement of at least a 3.0.

# House Bill 1035

Page 4

- **Subsection (b): Waiver of EPP Student Clinical Internship Requirement.** – Deems the EPP clinical internship requirement under G.S. 115C-269.25(d)(1) completed under certain conditions, including that the student meet the requirements on the certificate of teacher capacity and continues to work with a school to engage in remote learning as practicable.
- **Subsection (c): Pedagogy Assessments for Certain Teacher Candidates.** – Provides that students whose clinical internship requirement is deemed completed pursuant to subsection (b) of this section shall not be required by an EPP to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance or for completion of the EPP program for the 2019-2020 academic year but that those students shall be required to attempt the pedagogy assessment by the end of their first year of licensure and must pass the assessment by the end of their third year of licensure.
- **Subsection (d): Waiver of the Report of Certain EPP Performance Data.** – Only requires EPPs to report data to the State Board for the purposes of performance standards that is practicably available during the 2019-2020 academic year due to the lack of student assessment data and the school closure period.
- **Subsection (e): Prohibits Certain EPP Data in Assigning Sanctions.** – Prohibits the State Board from considering data that was not practicably available related to the 2019-2020 school year when assigning sanctions to an EPP under G.S. 115C-269.45(c).
- **Subsection (f): Suspension of EPP Report Card Publication.** – Suspends publication of EPP report cards on the State Board Web site for the 2019-2020 academic year but continues the report to the Joint Legislative Education Oversight Committee.

**Section 8.2 Waiver of Certain School Administrator Prep Program Requirements.** – Provides that requirements will be deemed completed for (i) the year-long internship school administrator requirement under G.S. 115C-284(c2)(7) under certain conditions, including that competencies identified in the certification of capacity are met and the candidate continues to work with a school to engage in administrative duties as practicable and (ii) the portfolio requirement for emerging leaders, provided it is finished to the extent practicable prior to completion of the school administrator preparation program.

**Section 8.3 Waiver of Certain Transforming Principal Prep Program Requirements.** – Provides that the school leader clinical practice requirement under G.S. 116-209.72(a)(2)e. will be deemed completed under certain conditions and that a grant recipient shall not have grant funds retrieved for failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as part of the program during the 2019-2020 academic year.

**Section 9.1 Extension of Teacher Licensure Requirements and CEUs for Continuing Licensure.** – Provides one-year extensions for teachers to meet licensure requirements set by the State Board and for teachers who are required to meet continuing education requirements for continuing licensure by June 30, 2020, provides a one-year extension to meet those requirements.

# House Bill 1035

Page 5

**Section 9.2 Extension of School Administrator and School Professional Licensure Exam Requirements and CEUs for Licensure Renewal.** – Provides one-year extensions for school administrators and other school personnel to meet licensure examination requirements set by the State Board and for school administrators who are required to meet continuing education requirements for licensure renewal by June 30, 2020, provides a one-year extension to meet those requirements.

**Section 10 Waiver of Apprenticeship Requirement for Community College Tuition Waiver.** – Provides that a student who is unable to participate in an apprenticeship program due to the COVID-19 emergency may be eligible for a tuition waiver for community college courses until December 21, 2020.

**Section 11.1 Waiver of Interest Charges on UNC Student Debt.** – Provides that a constituent institution shall not accrue or charge interest to a past due account receivable held by a student between March 13, 2020, and September 15, 2020.

**Section 11.2 Extension of UNC Report Dates.** – Extends various report dates for The University of North Carolina.

**Section 12 Allow Additional Semester for NC Scholarship for Children of War Time Veterans.** – Provides for scholarship recipients to receive a waiver from the limitation on the time period for scholarships for an additional semester due to the COVID-19 emergency.

**EFFECTIVE DATE:** Except as otherwise provided, this act would be effective when it becomes law.

*\*Caroline Sorensen, Leslie Karkanawi, and Matt Pagett, staff attorneys in the Bill Drafting Division, substantially contributed to this summary.*





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 1035**

Short Title: Education Omnibus/COVID-19.

(Public)

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

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 28, 2020

A BILL TO BE ENTITLED

AN ACT TO PROVIDE RELIEF TO ELEMENTARY AND SECONDARY SCHOOL STUDENTS, POSTSECONDARY SCHOOL STUDENTS, SCHOOL PERSONNEL, AND EDUCATIONAL ENTITIES OF THE STATE TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES DUE TO CORONAVIRUS DISEASE 2019 (COVID-19), AS RECOMMENDED BY THE EDUCATION WORKING GROUP OF THE HOUSE SELECT COMMITTEE ON COVID-19.

The General Assembly of North Carolina enacts:

**PART I. DEFINITIONS**

**SECTION 1.** For the purposes of this act, the following definitions apply:

- (1) Authority. – State Education Assistance Authority.
- (2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning March 10, 2020, and continuing until the Governor signs an executive order rescinding Executive Order No. 116 (Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19).
- (3) Federal testing waiver. – The testing waiver granted to the State Board of Education by the United States Department of Education for the 2019-2020 school year, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, which, pursuant to G.S. 115C-174.11, eliminated the collection of certain student assessment data for the 2019-2020 school year.
- (4) School closure period. – The period beginning March 16, 2020, and continuing until the latest of the following:
  - a. May 15, 2020.
  - b. The date specified by an executive order superseding the school closure period in Executive Order No. 120 (Additional Limitations on Mass Gatherings, Restrictions on Venues and Long Term Care Facilities, and Extension of School Closure Date).
  - c. The date specified in any executive order superseding the superseding executive order described in sub-subdivision b. of this subdivision.
- (5) State Board. – The State Board of Education.

**PART II. INTRODUCTION**



1           **SECTION 2.** The purpose of this act is to clarify or modify certain requirements in  
2 consideration of actions and circumstances related to the COVID-19 emergency, including, but  
3 not limited to, the federal testing waiver and the school closure period.  
4

5           **PART III. WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL**  
6 **TESTING, ACCOUNTABILITY, GRADE PLACEMENT/PROMOTION, AND**  
7 **GRADUATION REQUIREMENTS**  
8

9           **TESTS AND ASSESSMENTS**

10           **SECTION 3.1.(a)** EOGs and EOCs. – Consistent with the provisions of  
11 G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are  
12 waived.  
13

14           **SECTION 3.1.(b)** ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall  
15 semester of the 2020-2021 school year, public school units shall administer the norm-referenced  
16 college admissions test made available by the State Board to all students who were in the eleventh  
17 grade during the 2019-2020 school year who were not administered the test during the 2019-2020  
18 school year, unless a student has already taken a comparable test and scored at or above a level  
19 set by the State Board.

20           **SECTION 3.1.(c)** Diagnostic and Formative Assessments. – For the 2019-2020  
21 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,  
22 and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional  
23 assessments beyond those administered prior to the school closure period are not required.

24           **SECTION 3.1.(d)** WorkKeys. – For the spring semester of the 2019-2020 school  
25 year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be  
26 required to administer the WorkKeys tests to any students who complete a concentration in career  
27 and technical education courses.

28           **SCHOOL PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND**  
29 **SCHOOL BUILDING REPORTS**

30           **SECTION 3.2.(a)** Calculation and Issuance of School Performance Grades. – For  
31 the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of  
32 G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding  
33 G.S. 115C-83.15(g), the State Board is not required to display school report card information for  
34 the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a  
35 brief explanation that school report cards were not issued for the 2020-2021 school year because  
36 assessment data was not collected during the 2019-2020 school year due to COVID-19.

37           **SECTION 3.2.(b)** Display of School Report Cards. – Notwithstanding  
38 G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and  
39 Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card  
40 information for the 2020-2021 school year based on data from the 2019-2020 school year, but  
41 shall display a brief explanation that school report cards were not issued for the 2020-2021 school  
42 year because assessment data was not collected during the 2019-2020 school year due to  
43 COVID-19.

44           **SECTION 3.2.(c)** Evaluation of Alternative Programs. – Notwithstanding  
45 G.S. 115C-12(24), to the extent educational performance and growth of students in alternative  
46 schools and alternative programs are measured based on the accountability system developed  
47 under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students  
48 in alternative schools and alternative programs shall not be evaluated based on data from the  
49 2019-2020 school year.

50           **SECTION 3.2.(d)** School Building Reports. – The requirement for local school  
51 administrative units to produce and make public a school building report under

G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based on building-level data from the 2019-2020 school year.

## LOW-PERFORMING SCHOOLS

**SECTION 3.3.(a)** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

- (1) The State Board shall not identify additional low-performing schools based on data from the 2019-2020 school year.
- (2) Schools previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.
- (3) Previously identified low-performing schools shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.37(a1).
- (4) The State Board and the local board of education shall continue to provide online access to each low-performing school's plan in accordance with G.S. 115C-105.37(a1)(5).
- (5) The written parental notice required by G.S. 115C-105.37(b) is not required to be provided again, but local boards of education of low-performing schools shall include with their online final plans a brief explanation that low-performing identification continues pending assessment data from the 2020-2021 school year.

**SECTION 3.3.(b)** Continually Low-Performing Schools. – Notwithstanding G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following applies:

- (1) The State Board shall not identify additional continually low-performing schools based on data from the 2019-2020 school year.
- (2) Schools previously identified as continually low-performing based on data from the 2018-2019 school year shall continue to be identified as continually low-performing.
- (3) Previously identified continually low-performing schools shall continue to carry out the plan approved by the State Board pursuant to G.S. 115C-105.37A(a).
- (4) Assistance and intervention levels provided for the 2019-2020 school year based on designation as low-performing for two years under G.S. 115C-105.37A(b) or low-performing for three years under G.S. 115C-105.37A(c) shall continue.
- (5) Local boards of education may request to reform a continually low-performing school in accordance with G.S. 115C-105.37B.

**SECTION 3.3.(c)** Low-Performing Local School Administrative Units. – Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

- (1) The State Board shall not identify additional low-performing local school administrative units based on data from the 2019-2020 school year.
- (2) Local school administrative units previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.
- (3) Previously identified low-performing local school administrative units shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.39A(b).
- (4) The State Board and the local board of education shall continue to provide online access to each low-performing local school administrative unit's plan in accordance with G.S. 115C-105.39A(b)(5).

- 1 (5) The written parental notice required by G.S. 115C-105.39A(c) is not required  
2 to be provided again, but the local board of education shall include with its  
3 online final plan a brief explanation that low-performing identification  
4 continues pending assessment data from the 2020-2021 school year.  
5 (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.  
6

## 7 INNOVATIVE SCHOOL DISTRICT

8 **SECTION 3.4.(a)** Notwithstanding the provisions of G.S. 115C-75.7 and  
9 G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

- 10 (1) The State Board shall not identify any additional schools as qualifying schools  
11 for the Innovative School District based on data from the 2019-2020 school  
12 year.  
13 (2) Schools identified as qualifying schools for the 2019-2020 school year based  
14 on data from the 2018-2019 school year shall remain on the qualifying list,  
15 and the provisions of G.S. 115C-75.7(b1), (b2), and (d) shall continue to apply  
16 to these schools.

17 **SECTION 3.4.(b)** Section 1(c) of S.L. 2019-248 reads as rewritten:

18 **"SECTION 1.(c)** For the purposes of this subsection, a qualifying school is as defined by  
19 G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7, as amended by this  
20 act, the State Board of Education shall select the following schools to become innovative schools:

- 21 (1) ~~The lowest scoring qualifying school in the State identified based on the~~  
22 ~~school performance score calculated from data for the 2019-2020 school year~~  
23 ~~to become an innovative school in the 2021-2022 school year.~~  
24 (2) The lowest scoring qualifying school in the State identified based on the  
25 school performance score calculated from data for the 2020-2021 school year  
26 to become an innovative school in the 2022-2023 school year."  
27

## 28 THIRD GRADE RETENTION, READING CAMPS, AND FOURTH GRADE READING 29 ASSESSMENT

30 **SECTION 3.5.(a)** Third Grade Retention Determination. – For grade level  
31 determination for the 2020-2021 school year, the following applies:

- 32 (1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in  
33 G.S. 115C-288(a) that a principal's authority to grade and classify pupils is  
34 limited by the requirements of G.S. 115C-83.7(a), principals shall have  
35 authority to determine the appropriate 2020-2021 school year grade level for  
36 students in the third grade during the 2019-2020 school year in the same  
37 manner as for students in all other grade levels. Principals shall designate  
38 whether a retained third grade student is retained due to reading deficiencies.  
39 Principals are encouraged to consult with a student's 2019-2020 third grade  
40 teacher in determining grade classification.  
41 (2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall  
42 have authority to determine the appropriate 2020-2021 school year grade level  
43 for third grade students in the same manner that grade level classification is  
44 determined for other grade levels.

45 **SECTION 3.5.(b)** Parental Notice and Interventions. – Consistent with  
46 G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade  
47 student demonstrated difficulty with reading development or was not reading at grade level  
48 during the 2019-2020 school year based on assessments completed on or before March 13, 2020.  
49 The provisions of G.S. 115C-83.9(d) shall apply to this notice.

For third grade students retained for the 2019-2020 school year based on data from the 2018-2019 school year, the requirements of G.S. 115C-83.9(c) shall not apply during the school closure period, beginning March 16, 2020.

For third grade students retained for the 2020-2021 school year due to reading deficiencies, the provisions of G.S. 115C-83.8(b) through (e) and G.S. 115C-83.9 shall apply in the same manner they would have had the student been retained pursuant to G.S. 115C-83.7(a), except that notification regarding the exemptions described in G.S. 115C-83.7(b) shall not apply.

**SECTION 3.5.(c)** Reading Camps and Recommendations for Alternative Interventions. – Notwithstanding G.S. 115C-83.6(a), 115C-83.8(a), and 115C-83.11, and any other provision of law to the contrary, local school administrative units are not required to provide reading camps corresponding to the 2019-2020 school year.

No later than May 20, 2020, the State Board of Education shall submit to the Joint Legislative Education Oversight Committee recommendations for alternative interventions to summer instruction, to be offered to at-risk students and students recommended for additional support by their 2019-2020 teachers based on student outcome data available up until March 16, 2020. The alternative interventions shall be recommended as alternatives to reading camps and summer school that could have been offered but for the COVID-19 emergency.

**SECTION 3.5.(d)** Fourth Grade Reading Assessment. – No later than the tenth day that school buildings are open to students for the 2020-2021 school year, public school units shall administer to all fourth grade students the end-of-year diagnostic assessment otherwise required for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of the assessment shall be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

**SECTION 3.5.(e)** Reporting Requirements. – For the 2020-2021 school year, the following applies:

- (1) Accountability reporting described in G.S. 115C-83.10 shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, local boards of education shall report to the State Board the following:
  - a. The number and percentage of first grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - b. The number and percentage of second grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - c. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - d. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.
- (2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, charter schools and other public school units subject to charter school statutory requirements shall report to the State Board the following:
  - a. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - b. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.

- (3) The State Board shall compile the information described in this subsection and shall submit a State-level summary of each component by local school administrative unit and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

## **ADVANCED COURSES IN MATHEMATICS**

**SECTION 3.6.** The provisions of G.S. 115C-81.36(a1) and (b) shall not apply for the 2020-2021 school year based on data from the 2019-2020 school year. Math placement for the 2020-2021 school year may be determined consistent with local policies, in consultation with a student's 2019-2020 school year math teacher. For the purposes of G.S. 115C-81.36(c), the Department of Public Instruction shall submit its December 15, 2020, report to the Joint Legislative Education Oversight Committee on the number and demographics of students who were (i) enrolled in advanced mathematics courses, including high school level mathematics courses in eighth grade, or (ii) given other advanced learning opportunities for the 2020-2021 school year. The report shall include information on the type and format of advanced mathematics courses or advanced learning opportunities provided and shall also include any feedback provided by local boards of education on the implementation of G.S. 115C-81.36.

## **CPR GRADUATION REQUIREMENT**

**SECTION 3.7.** Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year, any student in grade 12 who has not satisfied the requirement for completion of instruction in cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the COVID-19 emergency.
- (2) The student is eligible to graduate in all respects other than the statutory requirement described in this section, as determined by the principal of the school to which the student is assigned.

## **SCHOOL CALENDAR AND ATTENDANCE**

**SECTION 3.8.(a)** 2019-2020 School Year. – A public school unit that provides remote instruction as required by this subsection shall be deemed to have satisfied the minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the 2019-2020 school year, remote instruction is defined as learning that takes place outside of the traditional school setting using various media and formats, including, but not limited to, video conference, telephone conference, print material, online material, or learning management systems. Each public school unit shall provide remote instruction for the remainder of its scheduled 2019-2020 school year.

**SECTION 3.8.(b)** Student Attendance Enforcement. – For the 2019-2020 school year, the requirements of G.S. 115C-378(e) through (g) shall not apply during the school closure period.

**SECTION 3.8.(c)** Supplemental Jump Start Instruction. – It is the intent of the General Assembly to provide for at-risk students and students recommended for additional support by their 2019-2020 teachers to receive from their public school units two weeks of supplemental jump start instruction during the month of August 2020, based on recommendations to be provided by the State Board. As supplemental instruction, jump start instruction is not intended to be included in scheduled instructional time for the 2020-2021 school year calendar.

**SECTION 3.8.(d)** 2020-2021 School Year. – For the 2020-2021 school year, notwithstanding G.S. 115C-84.2(d) and G.S. 115C-150.12, any public school unit may, in the

discretion of its governing body, schedule its opening date for students as early as August 17, 2020.

#### **PART IV. TEMPORARY BUDGET FLEXIBILITY AND DELAY IN K-3 CLASS SIZE REDUCTION FOR LOCAL BOARDS OF EDUCATION**

##### **BUDGET FLEXIBILITY**

**SECTION 4.1.(a)** Budget Flexibility for the Remainder of FY 2019-2020. – Effective from the date this act becomes law until June 30, 2020, notwithstanding G.S. 115C-105.25 and any other provision of law, local boards of education may transfer and may approve transfers of any unexpended cash balance in an allotment category to another allotment category subject to the following limitations:

- (1) Funds for career and technical education and other purposes may be transferred only as permitted by federal law and the conditions of federal grants or as provided through any rules that the State Board adopts to ensure compliance with federal regulations.
- (2) No funds shall be transferred out of the children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories.
- (3) No funds shall be transferred into the central office allotment category.
- (4) Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers through a visiting international exchange teacher program approved by the State. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to provide visiting international exchange teachers with salaries commensurate with their experience levels, to provide any State-approved bonuses, and to cover the costs associated with supporting visiting international exchange teachers within the local school administrative unit, including programming and related activities, background checks, medical coverage, and other program administration services in accordance with the federal regulations for the Exchange Visitor Program, 22 C.F.R. Part 62.
- (5) Except as provided in subdivision (4) of this subsection, positions allocated for classroom teachers and instructional support personnel may be converted to dollar equivalents for any purpose authorized by the policies of the State Board of Education. These positions shall be converted at the salary on the first step of the "A" Teachers Salary Schedule. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (6) Funds allocated for school building administration may be converted for any purpose authorized by the policies of the State Board of Education. For funds related to principal positions, the salary transferred shall be based on the first step of the Base column of the Principal Salary Schedule. For funds related to assistant principal months of employment, the salary transferred shall be based on the first step of the "A" Teachers Salary Schedule at the salary level for assistant principals. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (7) Funds to carry out the elements of the Excellent Public Schools Act that are contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- (8) Funds allotted for textbooks and digital resources may be used only to acquire textbooks and digital resources and related technology, including any hardware, software, or equipment or devices necessary for the use of the



1 digital resources. These funds shall not be transferred out of the allotment for  
2 any other purpose.

3 Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a  
4 local board of education may transfer the unexpanded cash balance in the drivers education  
5 allotment category to another allotment category in accordance with this subsection.

6 **SECTION 4.1.(b)** Budget Flexibility for FY 2020-2021. – Effective July 1, 2020,  
7 notwithstanding G.S. 115C-105.25 and any other provision of law, for the 2020-2021 fiscal year  
8 only, local boards of education may transfer and may approve transfers of funds in an allotment  
9 category to another allotment category subject to the following limitations:

- 10 (1) Funds for career and technical education and other purposes may be  
11 transferred only as permitted by federal law and the conditions of federal  
12 grants or as provided through any rules that the State Board adopts to ensure  
13 compliance with federal regulations.
- 14 (2) No funds shall be transferred out of the children with disabilities, students  
15 with limited English proficiency, and academically or intellectually gifted  
16 students categories.
- 17 (3) No funds shall be transferred into the central office allotment category.
- 18 (4) Positions allocated for classroom teachers may be converted to dollar  
19 equivalents to contract for visiting international exchange teachers through a  
20 visiting international exchange teacher program approved by the State. These  
21 positions shall be converted at the statewide average salary for classroom  
22 teachers, including benefits. The converted funds shall be used only to provide  
23 visiting international exchange teachers with salaries commensurate with their  
24 experience levels, to provide any State-approved bonuses, and to cover the  
25 costs associated with supporting visiting international exchange teachers  
26 within the local school administrative unit, including programming and  
27 related activities, background checks, medical coverage, and other program  
28 administration services in accordance with the federal regulations for the  
29 Exchange Visitor Program, 22 C.F.R. Part 62.
- 30 (5) Except as provided in subdivision (4) of this subsection, positions allocated  
31 for classroom teachers and instructional support personnel may be converted  
32 to dollar equivalents for any purpose authorized by the policies of the State  
33 Board of Education. These positions shall be converted at the salary on the  
34 first step of the "A" Teachers Salary Schedule. Certified position allotments  
35 shall not be transferred to dollars to hire the same type of position.
- 36 (6) Funds allocated for school building administration may be converted for any  
37 purpose authorized by the policies of the State Board of Education. For funds  
38 related to principal positions, the salary transferred shall be based on the first  
39 step of the Base column of the Principal Salary Schedule. For funds related to  
40 assistant principal months of employment, the salary transferred shall be based  
41 on the first step of the "A" Teachers Salary Schedule at the salary level for  
42 assistant principals. Certified position allotments shall not be transferred to  
43 dollars to hire the same type of position.
- 44 (7) Funds to carry out the elements of the Excellent Public Schools Act that are  
45 contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- 46 (8) Funds allotted for textbooks and digital resources may be used only to acquire  
47 textbooks and digital resources and related technology, including any  
48 hardware, software, or equipment or devices necessary for the use of the  
49 digital resources. These funds shall not be transferred out of the allotment for  
50 any other purpose.



Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a local board of education may transfer funds in the drivers education allotment category to another allotment category in accordance with this subsection.

## **DELAY K-3 CLASS SIZE REDUCTION/ADJUST PROGRAM ENHANCEMENT TEACHER ALLOTMENT FUNDING**

**SECTION 4.2.(a)** Delay K-3 Class Size Reduction for One Year. – Part II of S.L. 2018-2 reads as rewritten:

### **"PART II. CLASS SIZE PHASE IN**

**SECTION 2.(b)** Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the 2019-2020 ~~and 2020-2021~~ school ~~year, years,~~ the average class size for kindergarten through third grade in a local school administrative unit shall not exceed one teacher per 19 students. 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 one teacher per 22 students.

**SECTION 2.(c)** Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the ~~2020-2021–2021-2022~~ school year, the average class size for kindergarten through third grade in a local school administrative unit shall not exceed one teacher per 18 students. 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 one teacher per 21 students.

**SECTION 2.(d)** The class size requirements set forth in G.S. 115C-301, as amended by this act, shall apply beginning with the ~~2021–2022–2022-2023~~ school year."

**SECTION 4.2.(b)** Delay Teacher Position Allotment Change. – Section 3(b) of S.L. 2018-2 reads as rewritten:

**"SECTION 3.(b)** Effective July 1, ~~2021, 2022,~~ G.S. 115C-301(a1), as enacted by subsection (a) of this section, reads as rewritten:

...."

**SECTION 4.2.(c)** Delay Restriction on Transfers for Teacher Position Allotments. – Section 4(b) of S.L. 2018-2 reads as rewritten:

**"SECTION 4.(b)** Effective July 1, ~~2021, 2022,~~ G.S. 115C-105.25(b), as amended by subsection (a) of this section, reads as rewritten:

...."

**SECTION 4.2.(d)** Adjustment to the Appropriation for Program Enhancement Teachers. – Notwithstanding Section 1.1 of S.L. 2019-242, effective beginning with the 2020-2021 fiscal year, G.S. 115C-301(c2)(3) reads as rewritten:

"(3) Appropriation. – Beginning with the 2019-2020 fiscal year, there is appropriated from the General Fund to the Department of Public Instruction for the allotment for program enhancement teachers for kindergarten through fifth grade an amount equal to the percentage of the total funds required to allot program enhancement teacher positions for kindergarten through fifth grade on a basis of one teacher per 191 students for each fiscal year as follows:

<b>Fiscal Year</b>	<b>Appropriation</b>
2019-2020	50%
2020-2021	<del>75%</del> 50%
<u>2021-2022</u>	<u>75%</u>
<del>2021–2022–2022-2023</del> and each subsequent fiscal year thereafter 100%.	

When developing the base budget, as defined by G.S. 143C-1-1, for each fiscal year specified in this subdivision, the Director of the Budget shall include the appropriated amount for that fiscal year."

**PART V. MODIFICATIONS TO SCHOOL PERSONNEL EMPLOYMENT AND EVALUATION PROVISIONS**

**PRINCIPAL RECRUITMENT SUPPLEMENT**

**SECTION 5.1.(a)** Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247, for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021 school year.

**SECTION 5.1.(b)** G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as rewritten:

"(e) Additional Funds. – In the event an eligible employer is unable to award funds for the salary supplement because of resignation, dismissal, reduction in force, death, retirement, or failure to execute a contract with a qualifying principal, the Department shall award the funds, as soon as is practicable, to another eligible employer identified in subdivision ~~(a)(2)~~ (a)(1) of this section."

**INTENT OF THE GENERAL ASSEMBLY TO REFRAIN FROM USING SCHOOL GROWTH SCORES FROM THE 2019-2020 SCHOOL YEAR TO DETERMINE PRINCIPAL SALARIES FOR THE 2020-2021 FISCAL YEAR**

**SECTION 5.2.** It is the intent of the General Assembly that, for purposes of establishing the 2020-2021 Principal Salary Schedule, the following shall occur:

- (1) School growth scores from the 2019-2020 school year shall not be used.
- (2) To the extent school growth scores from other school years are used to determine principal salaries, data used to calculate those school growth scores shall be from the 2018-2019 school year or earlier.

**NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

**SECTION 5.3.** Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year, principals are not required to notify teachers that Education Value-Added Assessment System (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.

**TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

**SECTION 5.4.(a)** Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school year, local school administrative units are not required to provide teacher effectiveness data from the 2019-2020 school year to the State Board, and the State Board is not required to include any disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15, 2020, report on the state of the teaching profession in North Carolina.

**SECTION 5.4.(b)** G.S. 115C-299.5(d) reads as rewritten:

"(d) Teacher Effectiveness. – 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."

**TEACHER EVALUATION AND OBSERVATION REQUIREMENTS**

**SECTION 5.5.** Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year prior to the school closure period and (ii) other artifacts and evidence from the 2019-2020 school year. Schools are not required to complete any observations required in the 2019-2020 school year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to the school closure period.

## **PART VI. WAIVERS FOR NONPUBLIC SCHOOLS RELATED TO TESTING AND ATTENDANCE**

### **STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS**

**SECTION 6.1.** Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

- (1) Administer nationally standardized tests or other nationally standardized equivalent measurements for the 2019-2020 school year.
- (2) Make, maintain, or make available records of test results received by their students in the 2019-2020 school year.

### **ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS**

**SECTION 6.2.** Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

- (1) Make, maintain, and render attendance records of children of compulsory school age during the school closure period.
- (2) For the 2019-2020 school year, operate on a regular schedule at least nine calendar months of the year.

## **PART VII. K-12 SCHOLARSHIP PROGRAMS ADMINISTERED BY THE STATE EDUCATION ASSISTANCE AUTHORITY**

### **STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP GRANTS**

**SECTION 7.1.(a)** For purposes of this section, the definitions from G.S. 115C-562.1 shall apply.

**SECTION 7.1.(b)** Notwithstanding G.S. 115C-562.5, for the 2019-2020 school year, a nonpublic school that accepts eligible students receiving scholarship grants is not required to do any of the following:

- (1) Provide to the parent or guardian of an eligible student, whose tuition and fees are paid in whole or in part with a scholarship grant, the student's scores on standardized achievement tests.
- (2) Administer a nationally standardized test or other nationally standardized equivalent measurement to any eligible students whose tuition and fees are paid in whole or in part with a scholarship grant in grades three and higher.
- (3) Submit standardized test performance data from the 2019-2020 school year to the Authority.
- (4) If the nonpublic school enrolls more than 25 students whose tuition and fees are paid in whole or in part with a scholarship grant, either of the following:

- a. Report to the Authority on the aggregate standardized test performance of eligible students.
- b. Provide standardized test performance data from the 2019-2020 school year to an independent research organization.

## **OPPORTUNITY SCHOLARSHIP PROGRAM DISBURSEMENT OF FUNDS**

**SECTION 7.2.** Notwithstanding G.S. 115C-562.8, from the funds carried forward at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a result of the closure of nonpublic schools due to the COVID-19 emergency, the Authority may remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school year to a nonpublic school on or before October 1, 2020.

## **EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES**

**SECTION 7.3.(a)** Opportunity Scholarship Grant Program. – Notwithstanding G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity Scholarship Grant Program.

**SECTION 7.3.(b)** Disabilities Grant Program. – Notwithstanding G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Special Education Scholarships for Children with Disabilities Program.

## **PART VIII. MODIFICATIONS FOR EDUCATOR PREPARATION PROGRAMS/SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

### **EDUCATOR PREPARATION PROGRAMS**

**SECTION 8.1.(a)** Minimum Admission Requirements for EPPs. – Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

- (1) An individual student shall not be required to meet any of the criteria set forth in G.S. 115C-269.15(a).
- (2) An individual student shall not be required to have earned a grade point average of at least 2.7 under G.S. 115C-269.15(c). However, the EPP shall not permit a student to commence with a clinical practice as required by G.S. 115C-269.25(d) until the student has earned a grade point average of at least 2.7.
- (3) The minimum cohort grade point average for the entering cohort to an EPP for the 2020-2021 academic year shall not be required to be at least 3.0 under G.S. 115C-269.15(d).

**SECTION 8.1.(b)** Clinical Internships. – Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following conditions:

- (1) The student has completed as much time in a clinical internship as practicable prior to March 10, 2020.
- (2) The student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to this section.
- (3) The student has been engaged in remote instruction as practicable while the school is closed during the school closure period.

- (4) The student has otherwise met the descriptors identified on the certification of teacher capacity utilized by the EPP and the elementary or secondary school partner.

**SECTION 8.1.(c) Pedagogy Assessments.** – Notwithstanding G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed pursuant to subsection (b) of this section, the following shall apply:

- (1) The State Board shall not require EPPs to require these individuals for the 2019-2020 academic year to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance.
- (2) The State Board shall not require these individuals for the 2019-2020 academic year to complete the pedagogy assessment as a condition of EPP completion.
- (3) These individuals shall attempt the pedagogy assessment by the end of their first year of licensure and shall pass the assessment by the end of their third year of licensure.

**SECTION 8.1.(d) Accountability.** – Due to the lack of student assessment data and the school closure period, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs shall only be required to submit information that is practicably available in the annual report to the State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

**SECTION 8.1.(e) Sanctions.** – Notwithstanding G.S. 115C-269.45(c), the State Board shall not consider data that was not practicably available related to the 2019-2020 school year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

**SECTION 8.1.(f) EPP Report Cards.** – Due to limited available information and the waiver of the requirement to submit certain information to the State Board under subsection (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the Joint Legislative Education Oversight Committee (Committee) but shall not make the annual report cards created pursuant to this section available to the public through the State Board's Web site for the 2019-2020 academic year. The State Board shall also include in its report to the Committee aggregated information on the following:

- (1) The number and overall percentage of students who were admitted to an EPP with a GPA that was less than 2.7 as permitted by subdivision (2) of subsection (a) of this section.
- (2) The number and overall percentage of students who had their clinical internships deemed completed pursuant to subsection (b) of this section.

## **SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

**SECTION 8.2.** Notwithstanding G.S. 115C-284(c2), a school administrator candidate who is enrolled in a school administrator preparation program meeting the approval standards established by the State Board pursuant to G.S. 115C-284 may have certain requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as follows:

- (1) The requirement that a candidate shall complete a year-long internship under G.S. 115C-284(c2)(7) shall be deemed completed under the following conditions:
  - a. The candidate has completed as much time in the year-long internship as practicable prior to March 10, 2020.
  - b. The candidate would be unable to complete the program by August 15, 2020, unless the internship is deemed completed pursuant to this section.

- c. The candidate has been engaged in administrative duties as practicable while the school is closed during the school closure period.
- d. The candidate has otherwise met the competencies identified in the certification of capacity utilized by the school administrator preparation program.

- (2) The candidate shall complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to completion of the school administrator preparation program.

## **TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM REQUIREMENTS**

**SECTION 8.3.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader candidate who is enrolled in a school leader preparation program receiving a grant pursuant to Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following conditions:

- (1) The candidate has completed as much time in the clinical practice as practicable prior to March 10, 2020.
- (2) The candidate has been engaged in school leader duties as practicable while the school is closed during the school closure period.

**SECTION 8.3.(b)** Notwithstanding G.S. 116-209.73(c)(1a)a., the Authority shall not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a recipient's failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part of the program during the 2019-2020 academic year.

## **PART IX. MODIFICATIONS FOR TEACHER LICENSURE REQUIREMENTS/REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

### **TEACHER LICENSURE REQUIREMENTS**

**SECTION 9.1.(a)** Extension for Licensure Requirements. – Notwithstanding G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

- (1) An individual who is in the first year of licensure, including an initial professional licensure (IPL), lateral entry license, or residency license (RL), as of March 10, 2020, who has not taken the examination required by the State Board may take the examination during the individual's second year of licensure.
- (2) An applicant for a continuing professional license (CPL) whose lateral entry license expires June 30, 2020, including a teacher granted an extension pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination and coursework requirements established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.
- (3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.
- (4) An applicant for a CPL who is an elementary education (K-6) or special education general curriculum teacher with an IPL or RL who was granted an

extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

**SECTION 9.1.(b)** Extension for CEU Requirement. – Notwithstanding G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-270.30(b).

## **LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

**SECTION 9.2.(a)** Extension for Examination Requirement. – Notwithstanding G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure additional time to meet the examination requirements as follows:

- (1) Pursuant to G.S. 115C-284, an individual applying for a school administrator license who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examination requirements in the first year of licensure.
- (2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a professional position in a public elementary or secondary school who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examinations requirement in the first year of licensure.

**SECTION 9.2.(b)** Extension for CEU Requirement. – Notwithstanding G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

## **PART X. NORTH CAROLINA COMMUNITY COLLEGE MODIFICATIONS**

### **COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN APPRENTICESHIP PROGRAMS**

**SECTION 10.** Notwithstanding G.S. 115D-5(b)(16), a student who is unable to continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19 emergency may be eligible for a tuition waiver for community college courses in the student's documented plan of study related to a job-specific occupational or technical skill until December 21, 2020.

## **PART XI. UNIVERSITY OF NORTH CAROLINA MODIFICATIONS**

### **WAIVER OF INTEREST CHARGES ON UNC STUDENT DEBT**

**SECTION 11.1.** Notwithstanding G.S. 147-86.23, a constituent institution of The University of North Carolina shall not accrue or charge any interest to a past-due account receivable held by a student between March 13, 2020, and September 15, 2020.

### **EXTENSION OF UNC REPORT DATES**

**SECTION 11.2.(a)** Notwithstanding G.S. 116-11(12d), 116-74.21, and 143-613(b1), the Board of Governors of The University of North Carolina shall have an additional 60 days to submit the following reports to the Joint Legislative Education Oversight Committee:

- (1) The annual report due by April 15 each year on teacher education efforts at The University of North Carolina.

(2) The annual report due by April 15 each year on the supply and demand of school administrators to determine the number of school administrators to be trained in school administrator training programs within the constituent institutions of The University of North Carolina in each year of the fiscal biennium.

(3) The biennial report due by May 15 every two years on the goals for State-operated health professional schools that offer training programs for licensure or certification of physician assistants, nurse practitioners, and nurse midwives for increasing the percentage of the graduates of those programs who enter clinical programs and careers in primary care.

**SECTION 11.2.(b)** Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative due by April 15 each year to the Joint Legislative Education Oversight Committee, the State Board of Education, the Office of State Budget and Management, and the Fiscal Research Division.

**SECTION 11.2.(c)** Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment due by April 15 each year to the State Board of Education, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State Budget and Management.

## **PART XII. NORTH CAROLINA SCHOLARSHIP FOR CHILDREN OF WARTIME VETERANS**

**SECTION 12.** Notwithstanding G.S. 143B-1225(a), due to the COVID-19 emergency, a student who receives a scholarship pursuant to Part 2 of Article 14 of Chapter 143B of the General Statutes for the spring semester of the 2019-2020 academic year may receive a waiver from the limitation on the period of time to receive a scholarship under G.S. 143B-1225(a) for an additional semester from the institution in which the student is enrolled if the institution submits documentation of the waiver to the Department of Military and Veterans Affairs.

## **PART XIII. EFFECTIVE DATE**

**SECTION 13.** Except as otherwise provided, this act is effective when it becomes law.



# ROLL CALL VOTE 2019-2020 Session

DATE 4/28/2020

HB# SB#  
YES NO TOTALS

## HOUSE STANDING COMMITTEE ON Education K-12

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BLACKWELL (CHAIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BEASLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ELMORE (CHAIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BREWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HORN (CHAIR)
<input type="checkbox"/>	<input type="checkbox"/>	BRODY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BROCKMAN (VICE CHAIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLEMMONS	<input type="checkbox"/>	<input type="checkbox"/>	BELL (EX-OFFICIO)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CORBIN	<input type="checkbox"/>	<input type="checkbox"/>	JONES (EX-OFFICIO)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FARMER-BUTTERFIELD	<input type="checkbox"/>	<input type="checkbox"/>	LEWIS (EX-OFFICIO)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FISHER	<input type="checkbox"/>	<input type="checkbox"/>	STEVENS (EX-OFFICIO)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FRALEY	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	GAILLIARD	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	GILL	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	GRAHAM	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	HARDISTER	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ILER	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	LAMBETH	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	LUCAS	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MCNEELY	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MEYER	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	POTTS	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDDELL	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	STRICKLAND	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITE	<input type="checkbox"/>	<input type="checkbox"/>	

SUBTOTAL (optional)





**House Committee on Education K-12  
Tuesday, June 2, 2020 at 10:00 AM  
Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education K-12 met at 10:00 A.M. on June 2, 2020 in Room 643 of the Legislative Office Building. Representatives Blackwell, Elmore, Horn – Co-Chairs; Representative Brockman - Vice-Chair; and Representatives Ball, Beasley, Brewer, Clemmons, Corbin, Farmer-Butterfield, Fisher, Fraley, Gailliard, Gill, Graham, Hardister, Iler, Johnson, McNeely, Meyer, Potts, Smith, and White were in attendance.

Representative Elmore, Co-Chair called the meeting to order at 10:04 A.M. and introduced the Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration follow these minutes. (Attachment 1-4)

The following bills were considered:

**HB 1199 - Graduating Sr Numeric Grade/Appropriate Funds** (Primary Sponsors; Representative Arp, Horn, and Brody) (Attachment 5-6)

Representative Elmore announced there was a PCS for **HB 1199 Graduating Sr Numeric Grade/Appropriate Funds** (Attachment 7). There was no objection to the PCS. Representative Elmore recognized Representative Arp to present and explain the bill. Representative Arp informed the attendees the PCS was for Union County. The Union County school board of education made a unanimous request to allow graduating high school seniors the use of numeric grades for their spring course grades as opposed to pass/fail which would appear on official transcripts. Representative Elmore asked if there were any questions. Representative Elmore recognized Representative Iler for a motion to approve the PCS at the appropriate time. Prior to a vote, Representative Elmore recognized Representative Gill inquiring about all students receiving numerical grades. Representative Arp answered Representative Gill's question. Representative Iler was recognized for his motion. Representative Iler asked a question prior to the motion being made if the referral would be sent to Appropriations or to Rules. Representative Elmore clarified the PCS would move to Rules. Representative Iler was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Elmore asked for a vote and the motion passed. \* (Additional vote after HB 1189 for a re-referral to Rules.)

**HB 1189 - Drivers Education COVID-19 Response** (Primary Sponsors: Representative Elmore, Torbett, and Hurley), (Attachment 8-9)



Representative Elmore announced there was a PCS for **HB 1189 Drivers Education COVID-19 Response** (Attachment 10) and an amendment **HB 1189-ATC-109[v.1]** (Attachment 11). Representative Elmore stated the committee would address the PCS prior to the amendment. There was no objection to the PCS. Representative Elmore inquired if Representative Torbett would like to present the amendment. Representative Torbett deferred to Representative Elmore to indicate his preference as to the order of presenting the PCS or amendment. Representative Elmore asked Representative McNeely to address the amendment to the PCS. Representative Elmore informed attendees would be emailed the amendment by the staff. Representative Elmore referred to Representative McNeely to present and explain the amendment. Representative McNeely explained the amendment would allow public schools to resume driver education programs in the school year in accordance with guidance issued by the Department of Public Instruction. Representative Elmore asked if there were any questions concerning the amendment and acknowledged a representative from DPI, who expressed the support of the amendment. Representative Elmore asked for a vote and the amendment passed.

Representative Elmore recognized Representative Torbett to present the bill, as amended. Representative Torbett acknowledged and expressed appreciation to Representative Hurley (who was presenting with Representative Torbett), as well as, to the Chairman in helping to create and draft the bill. Representative Torbett explained that in the recent weeks due to COVID-19 disease it became apparent that there were issues for students getting the proper documentation and licensure at the age of 16. The students were being delayed in being able to obtain a legal driver's license since the DMV was not offering the opportunity. The bill provides an outcome that is positive in helping students receive notification who have passed drivers education and gives an ability to receive a driver's license without having to take a test. Representative Torbett explained Section 1 of HB 1189 would deem complete required classroom instruction for students enrolled in driver's education between January 2020 to March 16, 2020 who had completed at least 15 hours of classroom instruction and would also ensure students with less than 15 hours to be offered the opportunity to take a proficiency examination to waive the classroom instruction entirely. Section 1 would clarify that behind-the-wheel instruction is not waived for students.

Representative Torbett explained Section 2 of the bill would require DMV to temporarily waive the requirement that applicants would pass a road test to obtain a regular driver's license or a limited provision license. Instead, applicants would be given a temporary license subject to the following conditions: the applicant must meet all other requirements for the applicable license and provide proof of financial responsibility meaning insurance. The temporary license would expire no later than 90 days from issuance. However, the DMV can issue additional temporary licenses following expiration if the DMV have not started giving driver's tests. Representative Elmore asked if there were any questions concerning the bill. Representative McNeely, Representative White, and Representative Gill were recognized for questions clarifying the hours required to obtain a license, legal responsibility, and parental consent. Representative Elmore and Representative Torbett clarified their questions. Seeing no further questions, Representative Elmore was recognized for a motion for a favorable report to the PCS, as amended, rolled into a new PCS, with a favorable report to the new committee substitute and an unfavorable report to the original bill with a referral to Appropriations. Representative Elmore asked for a vote and the bill passed.



\* Representative Elmore explained HB 1199 – PCS removed monies for driver education and does not need to be re-referred to Appropriations but referred to Rules in accordance to the Speaker's sanction. Representative Elmore asked if there were any objections. There were no objections to the re-referral.

**HB 1050 PED/Low-Performing School Districts** (Primary Sponsors: Representative Horn, Fraley and Clemmons), (Attachment 12-13)

Representative Elmore announced there was a PCS for **HB 1050 PED/Low-Performing School Districts** (Attachment 14). There were no objections to the PCS. Representative Elmore acknowledged Representative Horn to present and explain the bill. Representative Horn explained the current law of identifying low performing school districts and that Superintendents are to submit preliminary plans for improvement of the school performance grade and school growth scores of low performing schools. The bill requires local and state boards to review the plans, to raise achievement in low performing school districts with specific strategies for early childhood learning in order to raise achievement and needs assessments of low-performing LEA's. Representative Elmore asked if there were any questions. Representative Elmore acknowledge Representative Iler with a question on an unfunded mandate to LEA's. Representative Horn answered the question. Representative White was recognized for a motion for a favorable report to the PCS and unfavorable report to the original bill with a referral to Rules. Representative Elmore asked for a vote and the bill passed.

Representative Elmore asked if there were any questions. There was no further business before the Committee.

The meeting adjourned at 10:22 A.M.



Representative Jeffrey Elmore, Co-Chair



Sarah Bush, Committee Clerk

Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant at Arms
4. Visitor Registration
5. HB 1199 Summary
6. HB 1199 Edition 1
7. PCS 1199-CSBE-36 [v.7]
8. HB 1189 Summary
9. HB 1189 Edition 1
10. PCS, HB 1189-CSTC-61[v.3]





11. Amendment, HB 1189-ATC-109[v.1]
12. HB 1050 Summary
13. HB 1050 Edition 1
14. PCS, HB 1050-CSBN-43[v.1]



**Updated #1: Members may attend remotely**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 2, 2020

**TIME:** 10:00 AM

**LOCATION:** 643 LOB

**COMMENTS:** Representative Jeffrey Elmore will preside.

**SPECIAL NOTE:** Please be prompt. Meeting will only be 50 minutes.

In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House Education K-12 Committee members will have the option to attend remotely to minimize the gathering of members and staff.

Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by complying with social distancing guidelines and seating for 50 percent of room capacity or listening to a live stream audio via the NCGA committee website at <https://www.ncleg.gov/Audio/643>.

The video/audio stream can be accessed on the NCGA webpage here: <https://www.ncleg.gov> or can be found on the front page of the NCGA website in the Legislative Calendar section.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 1050</u>	PED/Low-Performing School Districts.	Representative Horn Representative Fraley Representative Clemmons
<u>HB 1189</u>	Drivers Education COVID-19 Response.	Representative Elmore Representative Torbett Representative Hurley

HB 1199

Graduating Sr Numeric  
Grade/Appropriate Funds.

Representative Arp  
Representative Horn  
Representative Brody

Respectfully,

Representative Hugh Blackwell, Co-Chair  
Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:10 PM on Monday, June 01, 2020.

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

Sarah Bush (Committee Assistant)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

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The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 1050</u>	PED/Low-Performing School Districts.	Representative Horn Representative Fraley Representative Clemmons
<u>HB 1189</u>	Drivers Education COVID-19 Response.	Representative Elmore Representative Torbett Representative Hurley
<u>HB 1199</u>	Graduating Sr Numeric Grade/Appropriate Funds.	Representative Arp Representative Horn Representative Brody

Respectfully,

Representative Hugh Blackwell, Co-Chair  
Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:39 PM on Thursday, May 28, 2020.

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

Sarah Bush (Committee Assistant)



**House Committee on Education - K-12**  
**Tuesday, June 2, 2020, 10:00 AM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1050	PED/Low-Performing School Districts.	Representative Horn Representative Fraley Representative Clemmons
HB 1189	Drivers Education COVID-19 Response.	Representative Elmore Representative Torbett Representative Hurley
HB 1199	Graduating Sr Numeric Grade/Appropriate Funds.	Representative Arp Representative Horn Representative Brody

**Adjournment**





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Hugh Blackwell, Co-Chair**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB <b>1050</b>	PED/Low-Performing School Districts. Draft Number:            H1050-PCS30590-BN-43 Serial Referral: <b>RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b> Recommended Referral:   None Long Title Amended:    Yes Floor Manager:           Horn
HB <b>1189</b>	Drivers Education COVID-19 Response. Draft Number:            H1189-PCS10840-TC-61 Serial Referral: <b>APPROPRIATIONS</b> Recommended Referral:   None Long Title Amended:    Yes Floor Manager:           Elmore
HB <b>1199</b>	Graduating Sr Numeric Grade/Appropriate Funds. Draft Number:            H1199-PCS40644-BE-36 Serial Referral: <b>APPROPRIATIONS</b> Recommended Referral: <b>RULES, CALENDAR, AND OPERATIONS OF THE HOUSE</b> Long Title Amended:    Yes Floor Manager:           Arp

TOTAL REPORTED: 3





# ATTENDANCE

## House Education-K-12 Committee

### 2020 Short Session

DATES	6/2/20																
Rep. Hugh Blackwell, Chair	✓																
Rep. Jeffrey Elmore, Chair	✓																
Rep. Craig Horn, Chair	✓																
Rep. Cecil Brockman, Vice Chair	✓																
Rep. Cynthia Ball	✓																
Rep. Chaz Beasley	✓																
Rep. Scott Brewer	✓																
Rep. Mark Brody																	
Rep. Ashton Clemmons	✓																
Rep. Kevin Corbin	✓																
Rep. Jean Farmer-Butterfield	✓																
Rep. Susan Fisher	✓																
Rep. John Fraley	✓																
Rep. James Gailliard	✓																
Rep. Rosa Gill	✓																
Rep. Charles Graham	✓																
Rep. Jon Hardister	✓																
Rep. Frank Iler	✓																
Rep. Jake Johnson	✓																
Rep. Donny Lambeth																	
Rep. Marvin Lucas																	
Rep. Jeffrey McNeely	✓																
Rep. Graig Meyer	✓																



<b>DATES</b>																
Rep. Larry Potts	✓															
Rep. Dennis Riddell																
Rep. Kandie Smith	✓															
Rep. Larry Strickland																
Rep. Donna McDowell White	✓															
Ex-Officio																
Rep. John Bell																
Rep. Brenden Jones																
Rep. David Lewis																
Rep. Sarah Stevens																



Committee Sergeants at Arms

NAME OF COMMITTEE House Com Education K-12

DATE: 06/02/2020

Room: 643 LOB

House Sgt-At Arms:

1. Name: Nina Lage
2. Name: Bill Moore
3. Name: Thomas Terry
4. Name: Jim Moran
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

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





# VISITOR REGISTRATION SHEET

House Com Education K-12

06/02/2020

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Wallace Pitts

Self

FREEBIRD Mc KINNEY

SBE

CSA/1.5

CSA

Karson Nelson

DPI

Lee Tamm

TAG

Dennis Ryzny

e600 NOW



# VISITOR REGISTRATION SHEET

House Com Education K-12

06/02/2020

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chris Vall

EQV

Andy Munro

EQV

Wendy Kelly

FPA





# HOUSE BILL 1199: Graduating Sr Numeric Grade/Appropriate Funds.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 2, 2020
<b>Introduced by:</b>	Reps. Arp, Horn, Brody	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	PCS to First Edition H1199-CSBE-36		Committee Co-Counsel

**OVERVIEW:** *The 1st edition of HB 1199 would give local boards of education the authority to allow graduating high school seniors the choice of whether their spring 2020 course grades would appear on official transcripts as numeric grades or Pass/Withdrawal. The 1st edition would also provide a \$10,000 appropriation to the Department of Public Instruction (DPI) to make any necessary reporting adjustments. The PCS would limit the bill to Union County Public Schools and remove the appropriation.*

**CURRENT LAW:** G.S. 116-11(10a) requires DPI to generate and local school administrative units to use standardized transcripts in an automated format for applicants to higher education institutions. The standardized transcript must include grade point average, class rank, end-of-course test scores, and uniform course information.

Under State Board of Education Policy GRAD-009, all graduating seniors in North Carolina will receive either a Pass or Withdrawal as their grades for their spring 2020 courses. The codes "PC19" (Pass) or "WC19" (Withdrawal) will appear on official transcripts rather than numerical grades.

**BILL ANALYSIS:** The PCS would give Union County Public Schools the authority to allow each graduating senior to choose from one of the following two options regarding how grades for courses from spring 2020 would appear on official transcripts:

- (1) The highest grade of either (i) the numeric grade as of March 13, 2020; or (ii) if numeric grades were given during remote instruction, the grade as improved during the remainder of the semester through remote instruction.
- (2) Pass or Withdrawal, as appropriate.

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

*\*Manning Peeler, extern with the Legislative Analysis Division, substantially contributed to this summary.*

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.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 1199

Short Title: Graduating Sr Numeric Grade/Appropriate Funds. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 27, 2020

A BILL TO BE ENTITLED

AN ACT TO ALLOW GRADUATING SENIORS TO RECEIVE NUMERIC GRADES ON  
TRANSCRIPTS AND TO APPROPRIATE FUNDS ACCORDINGLY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding State Board of Education policy GRAD-009, including emergency additions to the policy approved March 27, 2020, and April 23, 2020, or any other policy or guidance to the contrary, for spring courses during the 2019-2020 school year, a local board of education shall have authority, in its discretion, to allow graduating seniors to choose one of the two following options for how each course grade will appear on transcripts:

(1) Numeric grade, defined as the highest of (i) the grade representing learning as of March 13, 2020, or (ii) the grade as improved during the remainder of the semester through remote instruction.

(2) Pass or Withdrawal, as appropriate.

**SECTION 2.(a)** There is appropriated from the General Fund to the Department of Public Instruction for the 2019-2021 fiscal biennium the sum of ten thousand dollars (\$10,000) in nonrecurring funds to implement the requirements of this act, including ensuring that the appropriate codes are available in PowerSchool for senior grade entry.

**SECTION 2.(b)** The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

**SECTION 2.(c)** Except where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act shall remain in effect.

**SECTION 2.(d)** If House Bill 966, 2019 Regular Session, becomes law, and any provision of that act or a provision of the Committee Report described in Section 42.2 of that act conflicts with this act, this act shall control.

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







**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**D**

**HOUSE BILL 1199  
PROPOSED COMMITTEE SUBSTITUTE H1199-CSBE-36 [v.7]  
6/1/2020 8:50:23 PM**

Short Title:    Graduating Sr Numeric Grade.

(Local)

Sponsors:

Referred to:

May 27, 2020

1                                    A BILL TO BE ENTITLED  
2    AN ACT TO ALLOW GRADUATING SENIORS IN UNION COUNTY PUBLIC SCHOOLS  
3       TO RECEIVE NUMERIC GRADES ON TRANSCRIPTS.  
4    The General Assembly of North Carolina enacts:  
5       **SECTION 1.** Notwithstanding G.S. 116-11(10a) and State Board of Education  
6    policy GRAD-009, including emergency additions to the policy approved March 27, 2020, and  
7    April 23, 2020, or any other policy or guidance to the contrary, for spring courses during the  
8    2019-2020 school year, the Union County Board of Education shall have authority, in its  
9    discretion, to allow each graduating senior to choose one of the two following options for how  
10   each course grade will appear on official transcripts:  
11       (1)    Numeric grade, defined as the highest of (i) the grade representing learning as  
12           of March 13, 2020, or (ii) if numeric grades were given during remote  
13           instruction, the grade as improved during the remainder of the semester  
14           through remote instruction.  
15       (2)    Pass or Withdrawal, as appropriate.  
16    **SECTION 2.** This act applies only to the Union County Public School System.  
17    **SECTION 3.** This act is effective when it becomes law.







# HOUSE BILL 1189: Driver Education COVID-19 Response.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 2, 2020
<b>Introduced by:</b>	Reps. Elmore, Torbett, Hurley	<b>Prepared by:</b>	Sterling Gutierrez, Legal Extern, Kara McCraw Committee Counsel
<b>Analysis of:</b>	PCS to First Edition H1189-CSTC-61		

**OVERVIEW:** *House Bill 1189 would provide accommodations for students enrolled in a driver education course in the spring semester of 2020, and would reappropriate reverted funding for the 2020-2021 fiscal year for driver education.*

*The PCS for HB 1189 would make the following changes:*

- Reduce hour requirement for classroom instruction waiver from 20 to 15.
- Require DMV to waive the road test requirement for applicants temporarily, if applicants meet certain requirements.

**CURRENT LAW:** G.S. 115C-215, G.S. 115C-216, and the State Board of Education Policy DRIV-004 set the guidelines for the driver education program. Enrollees must complete at least 30 hours of classroom instruction or take and pass the Department of Public Instruction proficiency examination. Each student must also complete a minimum of 6 hours of behind-the-wheel instruction. For a person under 18, passage of the driver education program is a requirement to receive a limited learner's permit under G.S. 20-11.

G.S. 20-7 sets guidelines on the issuance and renewal of a drivers license. To demonstrate physical and mental ability, a person must pass an examination that may include road, vision, oral, and written tests. G.S. 20-11 sets guidelines on the issuance of a limited provisional license to a person less than 18 years old. A person eligible for a limited provisional license must, among other qualifications, pass a road test.

## BILL ANALYSIS:

**Section 1** would deem complete required classroom instruction for students enrolled in classroom driver education between January 2020 and March 16, 2020 who completed at least 15 hours of classroom instruction. It would also ensure students who completed less than 15 hours could be offered the opportunity to take a proficiency examination to waive the classroom instruction requirement entirely. Sec. 1 would clarify that behind-the-wheel instruction is not waived for students.

**Section 2** would require the Division of Motor Vehicles (DMV) to temporarily waive the requirement that applicants pass a road test to obtain a regular drivers license or limited provisional license. Instead, applicants would be given a temporary license, subject to the following conditions: (i) the applicant must meet all other requirements for the applicable license, and (ii) the applicant must furnish the required proof of financial responsibility. The temporary licenses would expire no later than 90 days from issuance. The DMV could issue additional temporary licenses following expiration if the DMV has not yet started

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 1189

*Page 2*

administration of regularly scheduled road tests. This section would expire the earlier of when the DMV resumes road test administration or 180 days from the effective date of the act.

**Section 3** would appropriate reverted funding in the amount of ten million dollars to the Department of Public Instruction for the 2020-2021 fiscal year for the driver education allotment. The funds would be allotted pro rata to local school administrative units based on the amount of funds that reverted from the 2019-2020 school year. This section would become effective July 1, 2020.

**EFFECTIVE DATE:** Except as otherwise provided, this act would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 1189**

Short Title: Drivers Education COVID-19 Response. (Public)

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

Referred to: Education - K-12, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 26, 2020

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE ACCOMMODATIONS FOR DRIVER EDUCATION  
3 COURSEWORK INTERRUPTED BY SCHOOL CLOSURES AND TO ENSURE  
4 SUFFICIENT FUNDING FOR BEHIND-THE-WHEEL DRIVING INSTRUCTION TO BE  
5 PROVIDED TO ALL STUDENTS ENROLLED IN DRIVER EDUCATION IN THE  
6 SPRING SEMESTER OF 2020.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Notwithstanding G.S. 115C-215(b)(1), (2), (4), and (5) and  
9 G.S. 115C-216, and the requirements of State Board of Education Policy DRIV-0004, for  
10 students enrolled in classroom driver education between January 2020 and March 16, 2020, in a  
11 public school or a licensed commercial driver training school, students shall be deemed to have  
12 completed all classroom instruction requirements for driver education if the student completed  
13 at least 20 hours of classroom instruction prior to March 16, 2020. A student who has not  
14 completed at least 20 hours of classroom instruction shall be offered the opportunity to take and  
15 pass the proficiency examination developed by the Department of Public Instruction to waive the  
16 classroom instruction requirement. All students enrolled in driver education in the spring  
17 semester of 2020 shall be required to complete a minimum of six hours of behind-the-wheel  
18 instruction before being issued a North Carolina Driver Education Completion Certificate.

19 **SECTION 2.(a)** There is appropriated from the General Fund to the Department of  
20 Public Instruction the sum of ten million dollars (\$10,000,000) in nonrecurring funds for the  
21 2020-2021 fiscal year for the driver education allotment. These funds shall be allotted pro rata to  
22 local school administrative units based on the amount of funds that reverted to the Civil Penalty  
23 and Forfeiture Fund from each unit's driver education allotment on June 30, 2020.

24 **SECTION 2.(b)** This section becomes effective July 1, 2020.

25 **SECTION 3.** Except as otherwise provided herein, this act is effective when it  
26 becomes law.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 1189  
PROPOSED COMMITTEE SUBSTITUTE H1189-CSTC-61 [v.3]

6/1/2020 7:08:46 PM

Short Title: Driver Education COVID-19 Response.

(Public)

Sponsors:

Referred to:

May 26, 2020

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE ACCOMMODATIONS FOR DRIVER EDUCATION  
3 COURSEWORK INTERRUPTED BY SCHOOL CLOSURES AND TO ENSURE  
4 SUFFICIENT FUNDING FOR BEHIND-THE-WHEEL DRIVING INSTRUCTION TO BE  
5 PROVIDED TO ALL STUDENTS ENROLLED IN DRIVER EDUCATION IN THE  
6 SPRING SEMESTER OF 2020; AND TO REQUIRE THE DIVISION OF MOTOR  
7 VEHICLES TO TEMPORARILY WAIVE THE ROAD TEST REQUIREMENT.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Notwithstanding G.S. 115C-215(b)(1), (2), (4), and (5) and  
10 G.S. 115C-216, and the requirements of State Board of Education Policy DRIV-0004, for  
11 students enrolled in classroom driver education between January 2020 and March 16, 2020, in a  
12 public school or a licensed commercial driver training school, students shall be deemed to have  
13 completed all classroom instruction requirements for driver education if the student completed  
14 at least 15 hours of classroom instruction prior to March 16, 2020. A student who has not  
15 completed at least 15 hours of classroom instruction may be offered the opportunity to take and  
16 pass the proficiency examination developed by the Department of Public Instruction, as provided  
17 in the State Board of Education Policy DRIV-0004, to waive the classroom instruction  
18 requirement. All students enrolled in driver education in the spring semester of 2020 shall be  
19 required to complete a minimum of six hours of behind-the-wheel instruction before being issued  
20 a North Carolina Driver Education Completion Certificate.

21 **SECTION 2.(a)** Notwithstanding G.S. 20-7 and G.S. 20-11, the Division of Motor  
22 Vehicles shall waive the requirement that an applicant pass a road test in order to obtain a regular  
23 drivers license or limited provisional license and shall issue and send to an applicant a temporary  
24 regular license or a temporary limited provisional license, subject to the following conditions: (i)  
25 the applicant meets all the other requirements for the applicable license and (ii) the applicant  
26 furnishes to the Division proof of financial responsibility that meets the requirements of Article  
27 9A of Chapter 20 of the General Statutes.

28 **SECTION 2.(b)** A temporary license issued pursuant to this section shall expire no  
29 later than 90 days from the date of issue. If the Division has not resumed administering regularly  
30 scheduled road tests, the Division may issue additional temporary licenses pursuant to the  
31 conditions of this section.

32 **SECTION 2.(c)** This section expires when the Division resumes administering  
33 regularly scheduled road tests but no later than 180 days from the effective date of this act.

34 **SECTION 3.(a)** There is appropriated from the General Fund to the Department of  
35 Public Instruction the sum of ten million dollars (\$10,000,000) in nonrecurring funds for the  
36 2020-2021 fiscal year for the driver education allotment. These funds shall be allotted pro rata to



- 1 local school administrative units based on the amount of funds that reverted to the Civil Penalty
- 2 and Forfeiture Fund from each unit's driver education allotment on June 30, 2020.
- 3       **SECTION 3.(b)** This section becomes effective July 1, 2020.
- 4       **SECTION 4.** Except as otherwise provided herein, this act is effective when it
- 5 becomes law.





Attachment #11

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1189

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H1189-ATC-109 [v.1]

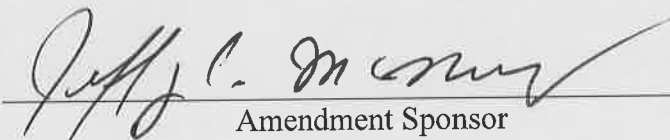
Page 1 of 1

Amends Title [NO]  
H1189-CSTC-61

Date June 2, 2020

Representative McNeely

- 1 moves to amend the bill on page 1, line 20, by inserting the following sentence after the word  
2 "Certificate."  
3  
4 "Public schools are authorized to resume driver education programs in accordance with guidance  
5 issued by the Department of Public Instruction."

SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

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



\* H 1 1 8 9 - A T C - 1 0 9 - V - 1 \*





## HOUSE BILL 1050: PED/Low-Performing School Districts.

2019-2020 General Assembly

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<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 2, 2020
<b>Introduced by:</b>	Reps. Horn, Fraley, Clemmons	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	PCS to First Edition H1050-CSBN-43		Committee Staff

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**OVERVIEW:** *House Bill 1050 would require that plans for improvement and comprehensive needs assessments of low-performing local school administrative units include consideration and examination of early childhood learning. The PCS to HB 1050 clarifies the effective date.*

**CURRENT LAW:** G.S. 115C-105.39A requires the State Board of Education (SBE) to identify low-performing local school administrative units (LEAs) on an annual basis. A low-performing LEA is a unit in which the majority of the schools in the unit have been identified as low-performing schools. G.S. 115C-105.37 defines low-performing schools as 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 in G.S. 115C-83.15.

G.S. 115C-105.39A also requires that within 30 days of being identified as a low-performing LEA, the superintendent must submit a preliminary plan for improving both the school performance grade and school growth score of each low-performing school within the unit to the local board of education. The plan must include how the superintendent and other central office administrators will work with each low-performing school and monitor the schools' progress, and how current LEA policy should be changed to improve student achievement throughout the LEA. The plan is reviewed by both the local board of education and the SBE before final approval. The final plan approved by the local board of education must be posted on the LEA and Department of Public Instruction (DPI) websites.

**BILL ANALYSIS:** HB 1050 would require that the superintendent include specific strategies to improve early childhood learning along with measurable goals in the preliminary plan for improving the school performance grade and school growth score of each low-performing school in a low-performing LEA.

HB 1050 would also require that DPI ensure that the comprehensive needs assessment tool used to provide support for low-performing LEAs include an examination of early childhood learning. The examination would include the following, at a minimum: (i) training levels of early childhood teachers and support staff, (ii) the ratio of students to teachers, (iii) alignment of preschool curricula to kindergarten through grade 3 curricula, (iv) kindergarten transition supports, including collaboration with preschool educators, and (v) kindergarten preparedness.

**EFFECTIVE DATE:** The PCS to HB 1050 would be effective when it becomes law and would apply beginning with plans of improvement and comprehensive needs assessments for local school administrative units identified as low performing based on data from the 2020-2021 school year.

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.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 1050\*

Short Title: PED/Low-Performing School Districts. (Public)

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 30, 2020

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CONSIDERATION OF EARLY CHILDHOOD LEARNING IN  
IMPROVEMENT PLANS FOR LOW-PERFORMING LOCAL SCHOOL  
ADMINISTRATIVE UNITS AND TO REQUIRE THAT COMPREHENSIVE NEEDS  
ASSESSMENTS FOR LOW-PERFORMING LOCAL SCHOOL ADMINISTRATIVE  
UNITS INCLUDE ANALYSIS OF EARLY CHILDHOOD LEARNING, AS  
RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION  
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.39A reads as rewritten:

**"§ 115C-105.39A. Identification of low-performing local school administrative units.**

(a) Identification of Low-Performing Local School Administrative Units. – The State Board of Education shall identify low-performing local school administrative units on an annual basis. A low-performing local school administrative unit is a unit in which the majority of the schools in that unit that earned an overall school performance grade and school growth score as provided in G.S. 115C-83.15 have been identified as low-performing schools, as provided in G.S. 115C-105.37.

(b) Plan for Improvement of Low-Performing Local School Administrative Units. – Once a local school administrative unit has been identified as low-performing under this section, the following actions shall be taken:

(1) The superintendent shall proceed under G.S. 115C-105.39.

(2) Within 30 days of the identification of a local school administrative unit as low-performing by the State Board, the superintendent shall submit to the local board of education a preliminary plan for improving both the school performance grade and school growth score of each low-performing school in the unit, including how the superintendent and other central office administrators will work with each low-performing school and monitor the low-performing school's progress and how current local school administrative unit policy should be changed to improve student achievement throughout the local school administrative unit. The plan shall also include specific strategies to improve early childhood learning along with measurable goals.

(3) Within 30 days of its receipt of the preliminary plan, the local board shall vote to approve, modify, or reject this plan. Before the local board votes on the plan, it shall make the plan available to the public, including the personnel assigned to each low-performing school and the parents and guardians of the



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students who are assigned to each low-performing school, and shall allow for written comments.

- (4) The local board shall submit a final plan to the State Board within five days of the local board's approval of the plan. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The local board shall consider any recommendations made by the State Board and, if necessary, amend the plan and vote on approval of any changes to the final plan.

- (5) The local board of education shall provide access to the final plan on the local school administrative unit's Web site. The State Board of Education shall also provide access to each low-performing local school administrative unit plan on the Department of Public Instruction's Web site.

...."

**SECTION 2.** When providing intensive support for low-performing local school administrative units through Regional Support Teams, the Department of Public Instruction shall ensure that the comprehensive needs assessment tool includes an examination of early childhood learning. The assessment shall examine, at a minimum, the following for preschool through third grade:

- (1) Training levels of early childhood teachers and support staff.
- (2) The ratio of students to teachers.
- (3) Alignment of preschool curricula to curricula for kindergarten through third grade.
- (4) Kindergarten transition supports, including collaboration with preschool educators.
- (5) Kindergarten preparedness.

**SECTION 3.** This act is effective when it becomes law and applies beginning with local school administrative units identified as low-performing during the 2019-2020 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 1050  
PROPOSED COMMITTEE SUBSTITUTE H1050-CSBN-43 [v.1]

06/01/2020 12:58:48 PM

Short Title: PED/Low-Performing School Districts.

(Public)

Sponsors:

Referred to:

April 30, 2020

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE CONSIDERATION OF EARLY CHILDHOOD LEARNING IN  
IMPROVEMENT PLANS FOR LOW-PERFORMING LOCAL SCHOOL  
ADMINISTRATIVE UNITS AND TO REQUIRE THAT COMPREHENSIVE NEEDS  
ASSESSMENTS FOR LOW-PERFORMING LOCAL SCHOOL ADMINISTRATIVE  
UNITS INCLUDE ANALYSIS OF EARLY CHILDHOOD LEARNING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.39A reads as rewritten:

**"§ 115C-105.39A. Identification of low-performing local school administrative units.**

(a) Identification of Low-Performing Local School Administrative Units. – The State Board of Education shall identify low-performing local school administrative units on an annual basis. A low-performing local school administrative unit is a unit in which the majority of the schools in that unit that earned an overall school performance grade and school growth score as provided in G.S. 115C-83.15 have been identified as low-performing schools, as provided in G.S. 115C-105.37.

(b) Plan for Improvement of Low-Performing Local School Administrative Units. – Once a local school administrative unit has been identified as low-performing under this section, the following actions shall be taken:

(1) The superintendent shall proceed under G.S. 115C-105.39.

(2) Within 30 days of the identification of a local school administrative unit as low-performing by the State Board, the superintendent shall submit to the local board of education a preliminary plan for improving both the school performance grade and school growth score of each low-performing school in the unit, including how the superintendent and other central office administrators will work with each low-performing school and monitor the low-performing school's progress and how current local school administrative unit policy should be changed to improve student achievement throughout the local school administrative unit. The plan shall also include specific strategies to improve early childhood learning along with measurable goals.

(3) Within 30 days of its receipt of the preliminary plan, the local board shall vote to approve, modify, or reject this plan. Before the local board votes on the plan, it shall make the plan available to the public, including the personnel assigned to each low-performing school and the parents and guardians of the students who are assigned to each low-performing school, and shall allow for written comments.



(4) The local board shall submit a final plan to the State Board within five days of the local board's approval of the plan. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The local board shall consider any recommendations made by the State Board and, if necessary, amend the plan and vote on approval of any changes to the final plan.

(5) The local board of education shall provide access to the final plan on the local school administrative unit's Web site. The State Board of Education shall also provide access to each low-performing local school administrative unit plan on the Department of Public Instruction's Web site.

...."

**SECTION 2.** When providing intensive support for low-performing local school administrative units through Regional Support Teams, the Department of Public Instruction shall ensure that the comprehensive needs assessment tool includes an examination of early childhood learning. The assessment shall examine, at a minimum, the following for preschool through third grade:

(1) Training levels of early childhood teachers and support staff.

(2) The ratio of students to teachers.

(3) Alignment of preschool curricula to curricula for kindergarten through third grade.

(4) Kindergarten transition supports, including collaboration with preschool educators.

(5) Kindergarten preparedness.

**SECTION 3.** This act is effective when it becomes law and applies beginning with plans of improvement and comprehensive needs assessments for local school administrative units identified as low-performing based on data from the 2020-2021 school year.



**House Committee on Education - K-12**  
**Tuesday, June 16, 2020 at 12:00 PM**  
**Room 1228/1327 of the Legislative Building**

**MINUTES**

The House Committee on Education - K-12 met at 12:00 PM on June 16, 2020 in Room 1228/1327 of the Legislative Building. Representatives Hugh Blackwell, Jeffrey Elmore, Craig Horn, Cecil Brockman, Cynthia Ball, Chaz Beasley, Scott Brewer, Mark Brody, Ashton Clemmons, Kevin Corbin, Susan Fisher, John Fraley, Rosa Gill, Jon Hardister, Frank Iler, Jake Johnson, Jeffrey McNeely, Graig Meyer, Larry Potts, Dennis Riddell, and Donna McDowell White attended.

Representative Craig Horn, Co-Chair, called the meeting to order at 12:02 PM and introduced the Sergeant-At-Arms who would be assisting with the committee. Copies of the attendance and visitor registration are attached to these minutes (Attachments 1-4).

The following bills were considered:

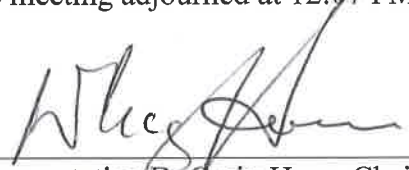
**HB 1035, Education Omnibus/COVID-19.** (Primary Sponsors: Representatives Horn, Fraley, Clemmons), (Attachments 5-6).

Representative Horn announced there was a PCS for **HB 1035, Education Omnibus/COVID-19** and the PCS would have the short title **20-21 Calendar Modifications**. (Attachment 7) There was no objection to the PCS. Representative Horn recognized Representative Clemmons to explain the bill. The PCS for HB 1035 would remove the prior contents of the bill and would add new provisions. The new provisions would include: (i) remove restrictions on when remote instruction days can be scheduled in the 2020-2021 school year, (ii) remove restrictions on the number of remote instruction days allowed in the 2020-2021 school year when needed to address the health and safety of students, (iii) authorize flexibility in adopted single-track year-round calendars when needed to address the health and safety of students, and (iv) extend the use of emergency school nutrition funds to the Summer Food Services Program and authorize use of the funds through December 30, 2020.

Representatives Johnson, Brody, and McNeely asked questions.

Representative Corbin was recognized for a motion for a favorable report to the PCS and an unfavorable report to the original bill with a referral to Rules. Representative Horn asked for a vote and the motion passed.

The meeting adjourned at 12:07 PM.

  
\_\_\_\_\_  
Representative D. Craig Horn, Chair  
Presiding

  
\_\_\_\_\_  
Erin Wilson, Committee Clerk



Attachments:

1. Agenda
2. Attendance
3. Committee Sergeant-At-Arms
4. Visitor Registration
5. HB 1035 Summary
6. HB 1035 Edition 1
7. PCS H1035-CSTC-66 [v.6]



**Updated #1: Agenda update**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 16, 2020  
**TIME:** 12:00 PM  
**LOCATION:** 1228/1327 LB  
**COMMENTS:** Representative Horn will Chair.

In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House Education K-12 Committee members will have the option to attend remotely to minimize the gathering of members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by complying with social distancing guidelines and seating for 50 percent of room capacity or listening to a live stream audio via the NCGA committee website at <https://www.ncleg.gov/Audio/1228>. The video/audio stream can be accessed on the NCGA webpage here: <https://www.ncleg.gov> or can be found on the front page of the NCGA website in the Legislative Calendar section.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 1035</u>	Education Omnibus/COVID-19.	Representative Horn Representative Fraley Representative Clemmons



Respectfully,

Representative Hugh Blackwell, Co-Chair

Representative Jeffrey Elmore, Co-Chair

Representative D. Craig Horn, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:14 PM on Monday, June 15, 2020.

\_\_\_ Principal Clerk

\_\_\_ Reading Clerk – House Chamber

Erin Wilson (Committee Assistant)





**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2019-2020 SESSION**

You are hereby notified that the **House Committee on Education - K-12** will meet as follows:

**DAY & DATE:** Tuesday, June 16, 2020

**TIME:** 12:00 PM

**LOCATION:** 1228/1327 LB

**COMMENTS:** Representative Horn will Chair. The Chair plans to hear HB 1035.

In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the House Education K-12 Committee members will have the option to attend remotely to minimize the gathering of members and staff. Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by complying with social distancing guidelines and seating for 50 percent of room capacity or listening to a live stream audio via the NCGA committee website at <https://www.ncleg.gov/Audio/1228>. The video/audio stream can be accessed on the NCGA webpage here: <https://www.ncleg.gov> or can be found on the front page of the NCGA website in the Legislative Calendar section.

Respectfully,

Representative Hugh Blackwell, Co-Chair  
Representative Jeffrey Elmore, Co-Chair  
Representative D. Craig Horn, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:37 PM on Saturday, June 13, 2020.

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

Erin Wilson (Committee Assistant)



**House Committee on Education - K-12**  
**Tuesday, June 16, 2020, 12:00 PM**  
**1228/1327 Legislative Building**

**AGENDA**

**Welcome and Opening Remarks**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1035	Education Omnibus/COVID-19.	Representative Horn Representative Fraley Representative Clemmons

**Adjournment**



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - K-12 COMMITTEE REPORT**

**Representative Hugh Blackwell, Co-Chair**

**Representative Jeffrey Elmore, Co-Chair**

**Representative D. Craig Horn, Co-Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 1035**

Education Omnibus/COVID-19.

Draft Number: H1035-PCS40659-TC-66

Serial Referral: **RULES, CALENDAR, AND  
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Clemmons

TOTAL REPORTED: 1



\* C M R 9 8 3 - V - 1 \*



# ATTENDANCE

## House Education-K-12 Committee

### 2020 Short Session

DATES	6-16-20																		
Rep. Hugh Blackwell, Chair	✓																		
Rep. Jeffrey Elmore, Chair	✓																		
Rep. Craig Horn, Chair	✓																		
Rep. Cecil Brockman, Vice Chair	✓																		
Rep. Cynthia Ball	✓																		
Rep. Chaz Beasley	✓																		
Rep. Scott Brewer	✓																		
Rep. Mark Brody	✓																		
Rep. Ashton Clemmons	✓																		
Rep. Kevin Corbin	✓																		
Rep. Jean Farmer-Butterfield																			
Rep. Susan Fisher	✓																		
Rep. John Fraley	✓																		
Rep. James Gailliard																			
Rep. Rosa Gill	✓																		
Rep. Charles Graham																			
Rep. Jon Hardister	✓																		
Rep. Frank Iler	✓																		
Rep. Jake Johnson	✓																		
Rep. Donny Lambeth																			
Rep. Marvin Lucas																			
Rep. Jeffrey McNeely	✓																		
Rep. Graig Meyer	✓																		





DATES	9-16-20																
Rep. Larry Potts	✓																
Rep. Dennis Riddell	✓																
Rep. Kandie Smith																	
Rep. Larry Strickland																	
Rep. Donna McDowell White	✓																
Ex-Officio																	
Rep. John Bell																	
Rep. Brenden Jones																	
Rep. David Lewis																	
Rep. Sarah Stevens																	



**House Committee on Education – K-12**  
**Tuesday, June 16<sup>th</sup>, 2020, 12:00 PM**  
**1228/1327 Legislative Building**

**House Sergeant-At-Arms**

1. Mark Douglas
2. Rex Foster
3. David Leighton
4. Russell Salisbury



## VISITOR REGISTRATION SHEET

# House Comm on Education K-12

Name of Committee

6/16/2020

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Lee T. Engle

ME

Zane Stinell

TSG

Amanda Donavan

KTS

Karson Nelson

NCDP

Andy Munn

EQV

FREEBIRD M<sup>c</sup>KINNEY

NC SBE





# HOUSE BILL 1035: 20-21 Calendar Modifications.

2019-2020 General Assembly

**Committee:** House Education - K-12  
**Introduced by:** Reps. Horn, Fraley, Clemmons  
**Analysis of:** PCS to First Edition  
H1035-CSTC-66

**Date:** June 16, 2020  
**Prepared by:** Kara McCraw  
Staff Attorney

**OVERVIEW:** The PCS for HB 1035 would remove the prior contents of the bill and would add new provisions that would do the following:

- Remove restrictions on when remote instruction days can be scheduled in the 2020-2021 school year.
- Remove restrictions on the number of remote instruction days allowed in the 2020-2021 school year when needed to address the health and safety of students.
- Authorize flexibility in adopted single-track year-round calendars when needed to address the health and safety of students.
- Extend the use of emergency school nutrition funds to the Summer Food Services Program and authorize use of the funds through December 30, 2020.

**CURRENT LAW:** Section 2.11 of S.L. 2020-3 establishes unique requirements for the 2020-2021 school calendar for public school units. These requirements include establishing a remote learning plan which will be used for 5 remote instruction days of the 2020-2021 school calendar. Public school units are not permitted to use more than 5 remote instruction days unless a state of emergency ordering school closure for more than 5 days is made during the 2020-2021 school year, however. Local school administrative units are also directed to not use remote instruction days in the first 5 days of the school year.

Section 2.11 also requires local school administrative units to meet specific start and end requirements for the 2020-2021 school year. These requirements do not apply to year-round and modified calendar schools that meet the definitions provided in Sec. 2.1 of S.L. 2020-3. To qualify as a year-round school, a school must meet one of three calendar types. Two of the types provide for multi-track year-round schools that stagger groups of students throughout the calendar year. The third type provides for a single-track year-round school that rotates 45 days of instruction with 15 days of vacation throughout the calendar year.

Sec. 3.3(6) of S.L. 2020-2 provides \$75 million in Coronavirus Relief Funds to the Department of Public Instruction for school nutrition services provided by public school units in response to COVID-19. Those funds are provided for use from March 16, 2020 through the end of the 2019-2020 school year (June 30, 2020).

## BILL ANALYSIS:

**Section 1** of the PCS for HB 1035 would make the following changes:

- Remove the prohibition on remote instruction days in the first 5 instructional days for local school administrative units.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 1035

Page 2

- Replace the authorization to use additional remote instruction days during a state of emergency order closing schools with authorization for the governing body of a public school unit to use additional remote instruction days if the body determines it is needed to promote the health and safety of students. Public school units would be required to comply with all COVID-19 guidance from the State Board of Education, Department of Public Instruction, and Department of Health and Human Services.
- Modify the definition of year-round schools to be calendars adopted prior to March 1, 2020, and modify the definition of single-track year-round schools to be those providing an average of between 44 and 46 instructional days followed by an average of 15-20 vacation days throughout the calendar year. Authorize modification of single-track year-round school calendars in a way that no longer meets that definition if the local board determines the modification is needed for student health and safety and the altered calendar otherwise meets requirements for year-round schools.

**Section 2** of the PCS would make the following changes to the Coronavirus Relief Funds provided for school nutrition:

- Clarify the funds are for emergency school nutrition services.
- Authorize use of the funds for the Summer Food Service Program.
- Extend the time period for use of the funds to December 30, 2020.

**EFFECTIVE DATE:** HB 1035 would become effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**H**

**1**

**HOUSE BILL 1035**

Short Title: Education Omnibus/COVID-19.

(Public)

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

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

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 28, 2020

A BILL TO BE ENTITLED

AN ACT TO PROVIDE RELIEF TO ELEMENTARY AND SECONDARY SCHOOL STUDENTS, POSTSECONDARY SCHOOL STUDENTS, SCHOOL PERSONNEL, AND EDUCATIONAL ENTITIES OF THE STATE TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES DUE TO CORONAVIRUS DISEASE 2019 (COVID-19), AS RECOMMENDED BY THE EDUCATION WORKING GROUP OF THE HOUSE SELECT COMMITTEE ON COVID-19.

The General Assembly of North Carolina enacts:

**PART I. DEFINITIONS**

**SECTION 1.** For the purposes of this act, the following definitions apply:

- (1) Authority. – State Education Assistance Authority.
- (2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning March 10, 2020, and continuing until the Governor signs an executive order rescinding Executive Order No. 116 (Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19).
- (3) Federal testing waiver. – The testing waiver granted to the State Board of Education by the United States Department of Education for the 2019-2020 school year, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, which, pursuant to G.S. 115C-174.11, eliminated the collection of certain student assessment data for the 2019-2020 school year.
- (4) School closure period. – The period beginning March 16, 2020, and continuing until the latest of the following:
  - a. May 15, 2020.
  - b. The date specified by an executive order superseding the school closure period in Executive Order No. 120 (Additional Limitations on Mass Gatherings, Restrictions on Venues and Long Term Care Facilities, and Extension of School Closure Date).
  - c. The date specified in any executive order superseding the superseding executive order described in sub-subdivision b. of this subdivision.
- (5) State Board. – The State Board of Education.

**PART II. INTRODUCTION**



1       **SECTION 2.** The purpose of this act is to clarify or modify certain requirements in  
2 consideration of actions and circumstances related to the COVID-19 emergency, including, but  
3 not limited to, the federal testing waiver and the school closure period.  
4

5       **PART III. WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL**  
6 **TESTING, ACCOUNTABILITY, GRADE PLACEMENT/PROMOTION, AND**  
7 **GRADUATION REQUIREMENTS**  
8

9       **TESTS AND ASSESSMENTS**

10       **SECTION 3.1.(a)** EOGs and EOCs. – Consistent with the provisions of  
11 G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are  
12 waived.

13       **SECTION 3.1.(b)** ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall  
14 semester of the 2020-2021 school year, public school units shall administer the norm-referenced  
15 college admissions test made available by the State Board to all students who were in the eleventh  
16 grade during the 2019-2020 school year who were not administered the test during the 2019-2020  
17 school year, unless a student has already taken a comparable test and scored at or above a level  
18 set by the State Board.

19       **SECTION 3.1.(c)** Diagnostic and Formative Assessments. – For the 2019-2020  
20 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,  
21 and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional  
22 assessments beyond those administered prior to the school closure period are not required.

23       **SECTION 3.1.(d)** WorkKeys. – For the spring semester of the 2019-2020 school  
24 year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be  
25 required to administer the WorkKeys tests to any students who complete a concentration in career  
26 and technical education courses.  
27

28       **SCHOOL PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND**  
29 **SCHOOL BUILDING REPORTS**

30       **SECTION 3.2.(a)** Calculation and Issuance of School Performance Grades. – For  
31 the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of  
32 G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding  
33 G.S. 115C-83.15(g), the State Board is not required to display school report card information for  
34 the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a  
35 brief explanation that school report cards were not issued for the 2020-2021 school year because  
36 assessment data was not collected during the 2019-2020 school year due to COVID-19.

37       **SECTION 3.2.(b)** Display of School Report Cards. – Notwithstanding  
38 G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and  
39 Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card  
40 information for the 2020-2021 school year based on data from the 2019-2020 school year, but  
41 shall display a brief explanation that school report cards were not issued for the 2020-2021 school  
42 year because assessment data was not collected during the 2019-2020 school year due to  
43 COVID-19.

44       **SECTION 3.2.(c)** Evaluation of Alternative Programs. – Notwithstanding  
45 G.S. 115C-12(24), to the extent educational performance and growth of students in alternative  
46 schools and alternative programs are measured based on the accountability system developed  
47 under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students  
48 in alternative schools and alternative programs shall not be evaluated based on data from the  
49 2019-2020 school year.

50       **SECTION 3.2.(d)** School Building Reports. – The requirement for local school  
51 administrative units to produce and make public a school building report under

1 G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based  
2 on building-level data from the 2019-2020 school year.

### 3 4 **LOW-PERFORMING SCHOOLS**

5 **SECTION 3.3.(a)** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37  
6 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

- 7 (1) The State Board shall not identify additional low-performing schools based  
8 on data from the 2019-2020 school year.
- 9 (2) Schools previously identified as low-performing based on data from the  
10 2018-2019 school year shall continue to be identified as low-performing.
- 11 (3) Previously identified low-performing schools shall continue to carry out the  
12 final plan approved by the local board of education pursuant to  
13 G.S. 115C-105.37(a1).
- 14 (4) The State Board and the local board of education shall continue to provide  
15 online access to each low-performing school's plan in accordance with  
16 G.S. 115C-105.37(a1)(5).
- 17 (5) The written parental notice required by G.S. 115C-105.37(b) is not required  
18 to be provided again, but local boards of education of low-performing schools  
19 shall include with their online final plans a brief explanation that  
20 low-performing identification continues pending assessment data from the  
21 2020-2021 school year.

22 **SECTION 3.3.(b)** Continually Low-Performing Schools. – Notwithstanding  
23 G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following  
24 applies:

- 25 (1) The State Board shall not identify additional continually low-performing  
26 schools based on data from the 2019-2020 school year.
- 27 (2) Schools previously identified as continually low-performing based on data  
28 from the 2018-2019 school year shall continue to be identified as continually  
29 low-performing.
- 30 (3) Previously identified continually low-performing schools shall continue to  
31 carry out the plan approved by the State Board pursuant to  
32 G.S. 115C-105.37A(a).
- 33 (4) Assistance and intervention levels provided for the 2019-2020 school year  
34 based on designation as low-performing for two years under  
35 G.S. 115C-105.37A(b) or low-performing for three years under  
36 G.S. 115C-105.37A(c) shall continue.
- 37 (5) Local boards of education may request to reform a continually  
38 low-performing school in accordance with G.S. 115C-105.37B.

39 **SECTION 3.3.(c)** Low-Performing Local School Administrative Units. –  
40 Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

- 41 (1) The State Board shall not identify additional low-performing local school  
42 administrative units based on data from the 2019-2020 school year.
- 43 (2) Local school administrative units previously identified as low-performing  
44 based on data from the 2018-2019 school year shall continue to be identified  
45 as low-performing.
- 46 (3) Previously identified low-performing local school administrative units shall  
47 continue to carry out the final plan approved by the local board of education  
48 pursuant to G.S. 115C-105.39A(b).
- 49 (4) The State Board and the local board of education shall continue to provide  
50 online access to each low-performing local school administrative unit's plan  
51 in accordance with G.S. 115C-105.39A(b)(5).

- (5) The written parental notice required by G.S. 115C-105.39A(c) is not required to be provided again, but the local board of education shall include with its online final plan a brief explanation that low-performing identification continues pending assessment data from the 2020-2021 school year.
- (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.

## **INNOVATIVE SCHOOL DISTRICT**

**SECTION 3.4.(a)** Notwithstanding the provisions of G.S. 115C-75.7 and G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

- (1) The State Board shall not identify any additional schools as qualifying schools for the Innovative School District based on data from the 2019-2020 school year.
- (2) Schools identified as qualifying schools for the 2019-2020 school year based on data from the 2018-2019 school year shall remain on the qualifying list, and the provisions of G.S. 115C-75.7(b1), (b2), and (d) shall continue to apply to these schools.

**SECTION 3.4.(b)** Section 1(c) of S.L. 2019-248 reads as rewritten:

**"SECTION 1.(c)** For the purposes of this subsection, a qualifying school is as defined by G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7, as amended by this act, the State Board of Education shall select the following schools to become innovative schools:

- (1) ~~The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2019-2020 school year to become an innovative school in the 2021-2022 school year.~~
- (2) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2020-2021 school year to become an innovative school in the 2022-2023 school year."

## **THIRD GRADE RETENTION, READING CAMPS, AND FOURTH GRADE READING ASSESSMENT**

**SECTION 3.5.(a)** Third Grade Retention Determination. – For grade level determination for the 2020-2021 school year, the following applies:

- (1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in G.S. 115C-288(a) that a principal's authority to grade and classify pupils is limited by the requirements of G.S. 115C-83.7(a), principals shall have authority to determine the appropriate 2020-2021 school year grade level for students in the third grade during the 2019-2020 school year in the same manner as for students in all other grade levels. Principals shall designate whether a retained third grade student is retained due to reading deficiencies. Principals are encouraged to consult with a student's 2019-2020 third grade teacher in determining grade classification.
- (2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall have authority to determine the appropriate 2020-2021 school year grade level for third grade students in the same manner that grade level classification is determined for other grade levels.

**SECTION 3.5.(b)** Parental Notice and Interventions. – Consistent with G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade student demonstrated difficulty with reading development or was not reading at grade level during the 2019-2020 school year based on assessments completed on or before March 13, 2020. The provisions of G.S. 115C-83.9(d) shall apply to this notice.

For third grade students retained for the 2019-2020 school year based on data from the 2018-2019 school year, the requirements of G.S. 115C-83.9(c) shall not apply during the school closure period, beginning March 16, 2020.

For third grade students retained for the 2020-2021 school year due to reading deficiencies, the provisions of G.S. 115C-83.8(b) through (e) and G.S. 115C-83.9 shall apply in the same manner they would have had the student been retained pursuant to G.S. 115C-83.7(a), except that notification regarding the exemptions described in G.S. 115C-83.7(b) shall not apply.

**SECTION 3.5.(c)** Reading Camps and Recommendations for Alternative Interventions. – Notwithstanding G.S. 115C-83.6(a), 115C-83.8(a), and 115C-83.11, and any other provision of law to the contrary, local school administrative units are not required to provide reading camps corresponding to the 2019-2020 school year.

No later than May 20, 2020, the State Board of Education shall submit to the Joint Legislative Education Oversight Committee recommendations for alternative interventions to summer instruction, to be offered to at-risk students and students recommended for additional support by their 2019-2020 teachers based on student outcome data available up until March 16, 2020. The alternative interventions shall be recommended as alternatives to reading camps and summer school that could have been offered but for the COVID-19 emergency.

**SECTION 3.5.(d)** Fourth Grade Reading Assessment. – No later than the tenth day that school buildings are open to students for the 2020-2021 school year, public school units shall administer to all fourth grade students the end-of-year diagnostic assessment otherwise required for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of the assessment shall be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

**SECTION 3.5.(e)** Reporting Requirements. – For the 2020-2021 school year, the following applies:

- (1) Accountability reporting described in G.S. 115C-83.10 shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, local boards of education shall report to the State Board the following:
  - a. The number and percentage of first grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - b. The number and percentage of second grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - c. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - d. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.
- (2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, charter schools and other public school units subject to charter school statutory requirements shall report to the State Board the following:
  - a. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - b. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.

- (3) The State Board shall compile the information described in this subsection and shall submit a State-level summary of each component by local school administrative unit and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

## **ADVANCED COURSES IN MATHEMATICS**

**SECTION 3.6.** The provisions of G.S. 115C-81.36(a1) and (b) shall not apply for the 2020-2021 school year based on data from the 2019-2020 school year. Math placement for the 2020-2021 school year may be determined consistent with local policies, in consultation with a student's 2019-2020 school year math teacher. For the purposes of G.S. 115C-81.36(c), the Department of Public Instruction shall submit its December 15, 2020, report to the Joint Legislative Education Oversight Committee on the number and demographics of students who were (i) enrolled in advanced mathematics courses, including high school level mathematics courses in eighth grade, or (ii) given other advanced learning opportunities for the 2020-2021 school year. The report shall include information on the type and format of advanced mathematics courses or advanced learning opportunities provided and shall also include any feedback provided by local boards of education on the implementation of G.S. 115C-81.36.

## **CPR GRADUATION REQUIREMENT**

**SECTION 3.7.** Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year, any student in grade 12 who has not satisfied the requirement for completion of instruction in cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the COVID-19 emergency.
- (2) The student is eligible to graduate in all respects other than the statutory requirement described in this section, as determined by the principal of the school to which the student is assigned.

## **SCHOOL CALENDAR AND ATTENDANCE**

**SECTION 3.8.(a)** 2019-2020 School Year. – A public school unit that provides remote instruction as required by this subsection shall be deemed to have satisfied the minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the 2019-2020 school year, remote instruction is defined as learning that takes place outside of the traditional school setting using various media and formats, including, but not limited to, video conference, telephone conference, print material, online material, or learning management systems. Each public school unit shall provide remote instruction for the remainder of its scheduled 2019-2020 school year.

**SECTION 3.8.(b)** Student Attendance Enforcement. – For the 2019-2020 school year, the requirements of G.S. 115C-378(e) through (g) shall not apply during the school closure period.

**SECTION 3.8.(c)** Supplemental Jump Start Instruction. – It is the intent of the General Assembly to provide for at-risk students and students recommended for additional support by their 2019-2020 teachers to receive from their public school units two weeks of supplemental jump start instruction during the month of August 2020, based on recommendations to be provided by the State Board. As supplemental instruction, jump start instruction is not intended to be included in scheduled instructional time for the 2020-2021 school year calendar.

**SECTION 3.8.(d)** 2020-2021 School Year. – For the 2020-2021 school year, notwithstanding G.S. 115C-84.2(d) and G.S. 115C-150.12, any public school unit may, in the

discretion of its governing body, schedule its opening date for students as early as August 17, 2020.

#### **PART IV. TEMPORARY BUDGET FLEXIBILITY AND DELAY IN K-3 CLASS SIZE REDUCTION FOR LOCAL BOARDS OF EDUCATION**

##### **BUDGET FLEXIBILITY**

**SECTION 4.1.(a)** Budget Flexibility for the Remainder of FY 2019-2020. – Effective from the date this act becomes law until June 30, 2020, notwithstanding G.S. 115C-105.25 and any other provision of law, local boards of education may transfer and may approve transfers of any unexpended cash balance in an allotment category to another allotment category subject to the following limitations:

- (1) Funds for career and technical education and other purposes may be transferred only as permitted by federal law and the conditions of federal grants or as provided through any rules that the State Board adopts to ensure compliance with federal regulations.
- (2) No funds shall be transferred out of the children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories.
- (3) No funds shall be transferred into the central office allotment category.
- (4) Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers through a visiting international exchange teacher program approved by the State. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to provide visiting international exchange teachers with salaries commensurate with their experience levels, to provide any State-approved bonuses, and to cover the costs associated with supporting visiting international exchange teachers within the local school administrative unit, including programming and related activities, background checks, medical coverage, and other program administration services in accordance with the federal regulations for the Exchange Visitor Program, 22 C.F.R. Part 62.
- (5) Except as provided in subdivision (4) of this subsection, positions allocated for classroom teachers and instructional support personnel may be converted to dollar equivalents for any purpose authorized by the policies of the State Board of Education. These positions shall be converted at the salary on the first step of the "A" Teachers Salary Schedule. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (6) Funds allocated for school building administration may be converted for any purpose authorized by the policies of the State Board of Education. For funds related to principal positions, the salary transferred shall be based on the first step of the Base column of the Principal Salary Schedule. For funds related to assistant principal months of employment, the salary transferred shall be based on the first step of the "A" Teachers Salary Schedule at the salary level for assistant principals. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (7) Funds to carry out the elements of the Excellent Public Schools Act that are contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- (8) Funds allotted for textbooks and digital resources may be used only to acquire textbooks and digital resources and related technology, including any hardware, software, or equipment or devices necessary for the use of the



digital resources. These funds shall not be transferred out of the allotment for any other purpose.

Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a local board of education may transfer the unexpanded cash balance in the drivers education allotment category to another allotment category in accordance with this subsection.

**SECTION 4.1.(b)** Budget Flexibility for FY 2020-2021. – Effective July 1, 2020, notwithstanding G.S. 115C-105.25 and any other provision of law, for the 2020-2021 fiscal year only, local boards of education may transfer and may approve transfers of funds in an allotment category to another allotment category subject to the following limitations:

- (1) Funds for career and technical education and other purposes may be transferred only as permitted by federal law and the conditions of federal grants or as provided through any rules that the State Board adopts to ensure compliance with federal regulations.
- (2) No funds shall be transferred out of the children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories.
- (3) No funds shall be transferred into the central office allotment category.
- (4) Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers through a visiting international exchange teacher program approved by the State. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to provide visiting international exchange teachers with salaries commensurate with their experience levels, to provide any State-approved bonuses, and to cover the costs associated with supporting visiting international exchange teachers within the local school administrative unit, including programming and related activities, background checks, medical coverage, and other program administration services in accordance with the federal regulations for the Exchange Visitor Program, 22 C.F.R. Part 62.
- (5) Except as provided in subdivision (4) of this subsection, positions allocated for classroom teachers and instructional support personnel may be converted to dollar equivalents for any purpose authorized by the policies of the State Board of Education. These positions shall be converted at the salary on the first step of the "A" Teachers Salary Schedule. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (6) Funds allocated for school building administration may be converted for any purpose authorized by the policies of the State Board of Education. For funds related to principal positions, the salary transferred shall be based on the first step of the Base column of the Principal Salary Schedule. For funds related to assistant principal months of employment, the salary transferred shall be based on the first step of the "A" Teachers Salary Schedule at the salary level for assistant principals. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (7) Funds to carry out the elements of the Excellent Public Schools Act that are contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- (8) Funds allotted for textbooks and digital resources may be used only to acquire textbooks and digital resources and related technology, including any hardware, software, or equipment or devices necessary for the use of the digital resources. These funds shall not be transferred out of the allotment for any other purpose.



Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a local board of education may transfer funds in the drivers education allotment category to another allotment category in accordance with this subsection.

## **DELAY K-3 CLASS SIZE REDUCTION/ADJUST PROGRAM ENHANCEMENT TEACHER ALLOTMENT FUNDING**

**SECTION 4.2.(a)** Delay K-3 Class Size Reduction for One Year. – Part II of S.L. 2018-2 reads as rewritten:

### **"PART II. CLASS SIZE PHASE IN**

...

**SECTION 2.(b)** Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the 2019-2020 and 2020-2021 school ~~year, years,~~ the average class size for kindergarten through third grade in a local school administrative unit shall not exceed one teacher per 19 students. 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 one teacher per 22 students.

**SECTION 2.(c)** Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the ~~2020-2021-2021-2022~~ school year, the average class size for kindergarten through third grade in a local school administrative unit shall not exceed one teacher per 18 students. 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 one teacher per 21 students.

**SECTION 2.(d)** The class size requirements set forth in G.S. 115C-301, as amended by this act, shall apply beginning with the ~~2021-2022-2022-2023~~ school year."

**SECTION 4.2.(b)** Delay Teacher Position Allotment Change. – Section 3(b) of S.L. 2018-2 reads as rewritten:

"**SECTION 3.(b)** Effective July 1, ~~2021, 2022,~~ G.S. 115C-301(a1), as enacted by subsection (a) of this section, reads as rewritten:

...."

**SECTION 4.2.(c)** Delay Restriction on Transfers for Teacher Position Allotments. – Section 4(b) of S.L. 2018-2 reads as rewritten:

"**SECTION 4.(b)** Effective July 1, ~~2021, 2022,~~ G.S. 115C-105.25(b), as amended by subsection (a) of this section, reads as rewritten:

...."

**SECTION 4.2.(d)** Adjustment to the Appropriation for Program Enhancement Teachers. – Notwithstanding Section 1.1 of S.L. 2019-242, effective beginning with the 2020-2021 fiscal year, G.S. 115C-301(c2)(3) reads as rewritten:

"(3) Appropriation. – Beginning with the 2019-2020 fiscal year, there is appropriated from the General Fund to the Department of Public Instruction for the allotment for program enhancement teachers for kindergarten through fifth grade an amount equal to the percentage of the total funds required to allot program enhancement teacher positions for kindergarten through fifth grade on a basis of one teacher per 191 students for each fiscal year as follows:

<b>Fiscal Year</b>	<b>Appropriation</b>
2019-2020	50%
2020-2021	<del>75%</del> 50%
<u>2021-2022</u>	<u>75%</u>

~~2021-2022-2022-2023~~ and each subsequent fiscal year thereafter 100%.

When developing the base budget, as defined by G.S. 143C-1-1, for each fiscal year specified in this subdivision, the Director of the Budget shall include the appropriated amount for that fiscal year."

**PART V. MODIFICATIONS TO SCHOOL PERSONNEL EMPLOYMENT AND EVALUATION PROVISIONS**

**PRINCIPAL RECRUITMENT SUPPLEMENT**

**SECTION 5.1.(a)** Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247, for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021 school year.

**SECTION 5.1.(b)** G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as rewritten:

"(e) Additional Funds. – In the event an eligible employer is unable to award funds for the salary supplement because of resignation, dismissal, reduction in force, death, retirement, or failure to execute a contract with a qualifying principal, the Department shall award the funds, as soon as is practicable, to another eligible employer identified in subdivision ~~(a)(2)~~ (a)(1) of this section."

**INTENT OF THE GENERAL ASSEMBLY TO REFRAIN FROM USING SCHOOL GROWTH SCORES FROM THE 2019-2020 SCHOOL YEAR TO DETERMINE PRINCIPAL SALARIES FOR THE 2020-2021 FISCAL YEAR**

**SECTION 5.2.** It is the intent of the General Assembly that, for purposes of establishing the 2020-2021 Principal Salary Schedule, the following shall occur:

- (1) School growth scores from the 2019-2020 school year shall not be used.
- (2) To the extent school growth scores from other school years are used to determine principal salaries, data used to calculate those school growth scores shall be from the 2018-2019 school year or earlier.

**NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

**SECTION 5.3.** Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year, principals are not required to notify teachers that Education Value-Added Assessment System (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.

**TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

**SECTION 5.4.(a)** Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school year, local school administrative units are not required to provide teacher effectiveness data from the 2019-2020 school year to the State Board, and the State Board is not required to include any disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15, 2020, report on the state of the teaching profession in North Carolina.

**SECTION 5.4.(b)** G.S. 115C-299.5(d) reads as rewritten:

"(d) Teacher Effectiveness. – 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."

**TEACHER EVALUATION AND OBSERVATION REQUIREMENTS**

**SECTION 5.5.** Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year prior to the school closure period and (ii) other artifacts and evidence from the 2019-2020 school year. Schools are not required to complete any observations required in the 2019-2020 school year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to the school closure period.

## **PART VI. WAIVERS FOR NONPUBLIC SCHOOLS RELATED TO TESTING AND ATTENDANCE**

### **STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS**

**SECTION 6.1.** Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

- (1) Administer nationally standardized tests or other nationally standardized equivalent measurements for the 2019-2020 school year.
- (2) Make, maintain, or make available records of test results received by their students in the 2019-2020 school year.

### **ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS**

**SECTION 6.2.** Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

- (1) Make, maintain, and render attendance records of children of compulsory school age during the school closure period.
- (2) For the 2019-2020 school year, operate on a regular schedule at least nine calendar months of the year.

## **PART VII. K-12 SCHOLARSHIP PROGRAMS ADMINISTERED BY THE STATE EDUCATION ASSISTANCE AUTHORITY**

### **STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP GRANTS**

**SECTION 7.1.(a)** For purposes of this section, the definitions from G.S. 115C-562.1 shall apply.

**SECTION 7.1.(b)** Notwithstanding G.S. 115C-562.5, for the 2019-2020 school year, a nonpublic school that accepts eligible students receiving scholarship grants is not required to do any of the following:

- (1) Provide to the parent or guardian of an eligible student, whose tuition and fees are paid in whole or in part with a scholarship grant, the student's scores on standardized achievement tests.
- (2) Administer a nationally standardized test or other nationally standardized equivalent measurement to any eligible students whose tuition and fees are paid in whole or in part with a scholarship grant in grades three and higher.
- (3) Submit standardized test performance data from the 2019-2020 school year to the Authority.
- (4) If the nonpublic school enrolls more than 25 students whose tuition and fees are paid in whole or in part with a scholarship grant, either of the following:

- a. Report to the Authority on the aggregate standardized test performance of eligible students.
- b. Provide standardized test performance data from the 2019-2020 school year to an independent research organization.

## **OPPORTUNITY SCHOLARSHIP PROGRAM DISBURSEMENT OF FUNDS**

**SECTION 7.2.** Notwithstanding G.S. 115C-562.8, from the funds carried forward at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a result of the closure of nonpublic schools due to the COVID-19 emergency, the Authority may remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school year to a nonpublic school on or before October 1, 2020.

## **EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES**

**SECTION 7.3.(a)** Opportunity Scholarship Grant Program. – Notwithstanding G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity Scholarship Grant Program.

**SECTION 7.3.(b)** Disabilities Grant Program. – Notwithstanding G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Special Education Scholarships for Children with Disabilities Program.

## **PART VIII. MODIFICATIONS FOR EDUCATOR PREPARATION PROGRAMS/SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

### **EDUCATOR PREPARATION PROGRAMS**

**SECTION 8.1.(a)** Minimum Admission Requirements for EPPs. – Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

- (1) An individual student shall not be required to meet any of the criteria set forth in G.S. 115C-269.15(a).
- (2) An individual student shall not be required to have earned a grade point average of at least 2.7 under G.S. 115C-269.15(c). However, the EPP shall not permit a student to commence with a clinical practice as required by G.S. 115C-269.25(d) until the student has earned a grade point average of at least 2.7.
- (3) The minimum cohort grade point average for the entering cohort to an EPP for the 2020-2021 academic year shall not be required to be at least 3.0 under G.S. 115C-269.15(d).

**SECTION 8.1.(b)** Clinical Internships. – Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following conditions:

- (1) The student has completed as much time in a clinical internship as practicable prior to March 10, 2020.
- (2) The student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to this section.
- (3) The student has been engaged in remote instruction as practicable while the school is closed during the school closure period.

- (4) The student has otherwise met the descriptors identified on the certification of teacher capacity utilized by the EPP and the elementary or secondary school partner.

**SECTION 8.1.(c) Pedagogy Assessments.** – Notwithstanding G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed pursuant to subsection (b) of this section, the following shall apply:

- (1) The State Board shall not require EPPs to require these individuals for the 2019-2020 academic year to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance.
- (2) The State Board shall not require these individuals for the 2019-2020 academic year to complete the pedagogy assessment as a condition of EPP completion.
- (3) These individuals shall attempt the pedagogy assessment by the end of their first year of licensure and shall pass the assessment by the end of their third year of licensure.

**SECTION 8.1.(d) Accountability.** – Due to the lack of student assessment data and the school closure period, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs shall only be required to submit information that is practicably available in the annual report to the State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

**SECTION 8.1.(e) Sanctions.** – Notwithstanding G.S. 115C-269.45(c), the State Board shall not consider data that was not practicably available related to the 2019-2020 school year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

**SECTION 8.1.(f) EPP Report Cards.** – Due to limited available information and the waiver of the requirement to submit certain information to the State Board under subsection (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the Joint Legislative Education Oversight Committee (Committee) but shall not make the annual report cards created pursuant to this section available to the public through the State Board's Web site for the 2019-2020 academic year. The State Board shall also include in its report to the Committee aggregated information on the following:

- (1) The number and overall percentage of students who were admitted to an EPP with a GPA that was less than 2.7 as permitted by subdivision (2) of subsection (a) of this section.
- (2) The number and overall percentage of students who had their clinical internships deemed completed pursuant to subsection (b) of this section.

## **SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

**SECTION 8.2.** Notwithstanding G.S. 115C-284(c2), a school administrator candidate who is enrolled in a school administrator preparation program meeting the approval standards established by the State Board pursuant to G.S. 115C-284 may have certain requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as follows:

- (1) The requirement that a candidate shall complete a year-long internship under G.S. 115C-284(c2)(7) shall be deemed completed under the following conditions:
  - a. The candidate has completed as much time in the year-long internship as practicable prior to March 10, 2020.
  - b. The candidate would be unable to complete the program by August 15, 2020, unless the internship is deemed completed pursuant to this section.

- c. The candidate has been engaged in administrative duties as practicable while the school is closed during the school closure period.
- d. The candidate has otherwise met the competencies identified in the certification of capacity utilized by the school administrator preparation program.
- (2) The candidate shall complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to completion of the school administrator preparation program.

## **TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM REQUIREMENTS**

**SECTION 8.3.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader candidate who is enrolled in a school leader preparation program receiving a grant pursuant to Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following conditions:

- (1) The candidate has completed as much time in the clinical practice as practicable prior to March 10, 2020.
- (2) The candidate has been engaged in school leader duties as practicable while the school is closed during the school closure period.

**SECTION 8.3.(b)** Notwithstanding G.S. 116-209.73(c)(1a)a., the Authority shall not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a recipient's failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part of the program during the 2019-2020 academic year.

## **PART IX. MODIFICATIONS FOR TEACHER LICENSURE REQUIREMENTS/REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

### **TEACHER LICENSURE REQUIREMENTS**

**SECTION 9.1.(a)** Extension for Licensure Requirements. – Notwithstanding G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

- (1) An individual who is in the first year of licensure, including an initial professional licensure (IPL), lateral entry license, or residency license (RL), as of March 10, 2020, who has not taken the examination required by the State Board may take the examination during the individual's second year of licensure.
- (2) An applicant for a continuing professional license (CPL) whose lateral entry license expires June 30, 2020, including a teacher granted an extension pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination and coursework requirements established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.
- (3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.
- (4) An applicant for a CPL who is an elementary education (K-6) or special education general curriculum teacher with an IPL or RL who was granted an

extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

**SECTION 9.1.(b)** Extension for CEU Requirement. – Notwithstanding G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-270.30(b).

## **LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

**SECTION 9.2.(a)** Extension for Examination Requirement. – Notwithstanding G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure additional time to meet the examination requirements as follows:

- (1) Pursuant to G.S. 115C-284, an individual applying for a school administrator license who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examination requirements in the first year of licensure.
- (2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a professional position in a public elementary or secondary school who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examinations requirement in the first year of licensure.

**SECTION 9.2.(b)** Extension for CEU Requirement. – Notwithstanding G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

## **PART X. NORTH CAROLINA COMMUNITY COLLEGE MODIFICATIONS**

### **COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN APPRENTICESHIP PROGRAMS**

**SECTION 10.** Notwithstanding G.S. 115D-5(b)(16), a student who is unable to continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19 emergency may be eligible for a tuition waiver for community college courses in the student's documented plan of study related to a job-specific occupational or technical skill until December 21, 2020.

## **PART XI. UNIVERSITY OF NORTH CAROLINA MODIFICATIONS**

### **WAIVER OF INTEREST CHARGES ON UNC STUDENT DEBT**

**SECTION 11.1.** Notwithstanding G.S. 147-86.23, a constituent institution of The University of North Carolina shall not accrue or charge any interest to a past-due account receivable held by a student between March 13, 2020, and September 15, 2020.

### **EXTENSION OF UNC REPORT DATES**

**SECTION 11.2.(a)** Notwithstanding G.S. 116-11(12d), 116-74.21, and 143-613(b1), the Board of Governors of The University of North Carolina shall have an additional 60 days to submit the following reports to the Joint Legislative Education Oversight Committee:

- (1) The annual report due by April 15 each year on teacher education efforts at The University of North Carolina.

(2) The annual report due by April 15 each year on the supply and demand of school administrators to determine the number of school administrators to be trained in school administrator training programs within the constituent institutions of The University of North Carolina in each year of the fiscal biennium.

(3) The biennial report due by May 15 every two years on the goals for State-operated health professional schools that offer training programs for licensure or certification of physician assistants, nurse practitioners, and nurse midwives for increasing the percentage of the graduates of those programs who enter clinical programs and careers in primary care.

**SECTION 11.2.(b)** Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative due by April 15 each year to the Joint Legislative Education Oversight Committee, the State Board of Education, the Office of State Budget and Management, and the Fiscal Research Division.

**SECTION 11.2.(c)** Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment due by April 15 each year to the State Board of Education, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State Budget and Management.

## **PART XII. NORTH CAROLINA SCHOLARSHIP FOR CHILDREN OF WARTIME VETERANS**

**SECTION 12.** Notwithstanding G.S. 143B-1225(a), due to the COVID-19 emergency, a student who receives a scholarship pursuant to Part 2 of Article 14 of Chapter 143B of the General Statutes for the spring semester of the 2019-2020 academic year may receive a waiver from the limitation on the period of time to receive a scholarship under G.S. 143B-1225(a) for an additional semester from the institution in which the student is enrolled if the institution submits documentation of the waiver to the Department of Military and Veterans Affairs.

## **PART XIII. EFFECTIVE DATE**

**SECTION 13.** Except as otherwise provided, this act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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D

HOUSE BILL 1035  
PROPOSED COMMITTEE SUBSTITUTE H1035-CSTC-66 [v.6]  
06/15/2020 05:29:20 PM

Short Title: 20-21 Calendar Modifications.

(Public)

Sponsors:

Referred to:

April 28, 2020

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE ADDITIONAL MODIFICATIONS TO THE 2020-2021 SCHOOL  
CALENDAR TO ADDRESS EXTRAORDINARY CIRCUMSTANCES DUE TO  
CORONAVIRUS DISEASE 2019 (COVID-19) AND TO EXTEND THE USE OF FUNDS  
FOR SCHOOL NUTRITION.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 2.1(6) of S.L. 2020-3 reads as rewritten:

"(6) Year-round school. – A school with a single or multi-track instructional calendar that was adopted prior to March 1, 2020, and provides instructional days in compliance with Section 2.11(b)(1) of this Part throughout the entire school calendar year, beginning July 1 and ending June 30, by utilizing at least one of the following plans:

- a. A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.
- b. A plan providing students be scheduled to attend an average of between 45 and 46 instructional days followed by an average of between 15 and 20 days of vacation, repeated throughout the school calendar year.
- c. A plan dividing the school calendar year into five nine-week sessions of classes and requiring each student to attend four assigned and staggered sessions out of the five nine-week sessions to complete the student's instructional year."

**SECTION 1.(b)** Section 2.11.(b) of S.L. 2020-3 reads as rewritten:

**"SECTION 2.11.(b)** School Calendar. – Except as otherwise provided in this subsection, the requirements of G.S. 115C-84.2, including the requirement that a school calendar consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units. The provisions of this subsection supersede any school calendar adopted by a public school unit prior to the enactment of this Part. For the 2020-2021 school year only, the following applies to the school calendar for public school units:

- (1) Notwithstanding any provisions of G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 to the contrary, each public school unit shall adopt a calendar that includes 190 days of instruction as follows:



- a. 185 days or 1,025 hours of instruction that include five remote instruction days in accordance with the Plan developed pursuant to subsection (a) of this section. Each of the five remote instruction days may be scheduled in the discretion of the public school unit, except as provided in subdivision (2) of this subsection.
  - b. An additional five instructional days that shall be satisfied only by five individually separate and distinct full instructional days and not by an accumulation of instructional hours.
- (2) Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each local school administrative unit shall adopt a school calendar in accordance with the following:
- a. Except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part, an opening date for students of August 17, 2020.
  - b. Except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part, a closing date for students no later than June 11, 2021.
  - c. ~~No remote instruction day shall be scheduled prior to August 24, 2020, unless the school operates on a year round or modified calendar schedule. A year round or modified calendar school shall not schedule a remote instruction day prior to the sixth instructional day of the year round or modified calendar. A local board of education may alter the adopted calendar of a single-track year-round school in a manner that no longer meets the requirements of Section 2.1(6)b. of this act, if both of the following are met:~~
    1. The local board of education determines the modification is necessary to ensure the health and safety of students.
    2. The altered calendar complies with all other requirements for year-round schools in this section.
  - d. Remote instruction days may be scheduled for use as teacher workdays, including as teacher workdays on which teachers may take accumulated vacation leave, provided that remote instruction material is prepared and provided for students to use during the remote instruction days. Local school administrative units may, in their discretion, schedule remote instruction days as teacher workdays to facilitate completion of first semester course exams prior to a winter holiday period. This sub-subdivision only applies to the five remote instruction days scheduled as required by sub-subdivision a. of subdivision (1) of this subsection.
  - e. The following apply for a local school administrative unit granted a good cause waiver for the 2020-2021 school year:
    1. The opening date for students shall not be earlier than August 17, 2020, except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part.
    2. Up to an additional five remote instruction days may be used, if those days are (i) provided in accordance with the requirements of this subsection for remote instruction days and (ii) used solely as make-up days for days on which schools have been closed due to inclement weather or other emergency situations.
- (3) ~~If, during the 2020-2021 school year, a state of emergency or disaster is declared under Chapter 166A of the General Statutes ordering school closure for more than five days, If the governing board of a public school unit~~

determines that additional remote instruction beyond the five days required by subdivision (1) of this subsection is needed to ensure the health and safety of students, a public school unit ~~providing may provide~~ remote instruction in accordance with the Plan developed pursuant to subsection (a) of this section ~~may use additional remote instruction days as necessary to satisfy instructional time requirements.~~ The public school unit shall ensure that it is in compliance with all required COVID-19 guidance related to the operation of elementary and secondary schools issued by the State Board of Education, Department of Public Instruction, and Department of Health and Human Services."

**SECTION 2.** Subdivision (6) Section 3.3 of S.L. 2020-4 reads as rewritten:

"(6) \$75,000,000 to the Department of Public Instruction for emergency school nutrition services provided in response to COVID-19 by public school units participating in the National School Lunch ~~Program or Program~~, School Breakfast ~~Program Program~~, or Summer Food Service Program from March 16, 2020, through ~~the end of the 2019-2020 school year.~~ December 30, 2020. Funds for these services shall be allocated in the same manner as if the participating public school units were reimbursed by school meal receipts or federal funds."

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

