



## LEGISLATIVE UPDATE

March 20, 2015

This was a whirlwind week in Raleigh. There were a host of education bills heard in various committees and on the chamber floors. Budget briefings continued in Appropriations Committees and a myriad of bills were filed. On Tuesday, State Board of Education Chairman and State Superintendent June Atkinson [presented](#) to a joint meeting of the House and Senate Education Appropriations Committees to cover basic functions and recent successes of DPI and the responsibilities of the SBE. They also presented our budget expansion requests for the upcoming fiscal year and highlighted where the state's greatest K-12 education needs are.

This week marks the 175<sup>th</sup> anniversary of the North Carolina Public Schools. The occasion was recognized in both the House and Senate chambers. The Senate heard [SR 316](#) – *Reaffirming Support for Public Schools* to commemorate the historic landmark for education. The House filed a similar resolution, [HR 249](#), to acknowledge the public education system and the impact that it has on our society. Members of the House affirmed that 95,000 teachers in North Carolina serve over 1.5 million students in over 2,500 schools. The first public school opened in Rockingham County on January 20, 1840.

The NC Association of School Administrators (NCASA) held its spring conference, including a gala multi-media event highlighting the 175-year history of public schools. This event, which drew approximately 800 educators, political leaders, and public school partners, focused on the ongoing improvements in public schools and the move to 21st century learning methods. The program included a special focus on prominent North Carolinians who attended public schools, veteran educators, and students who submitted essays, videos, and artwork celebrating the state's 175th anniversary. Governor Pat McCrory, Superintendent Atkinson, and other State leaders participated in the program.

In related education news, a three-judge constitutional panel unanimously ruled in Governor McCrory's favor on Monday in a challenge of legislative authority. At issue is the question of separation of powers, specifically whether it is the legislature or solely the Governor that has authority to appoint members of various commissions. The panel found that the Oil and Gas Commission, the Mining Commission, and the Coal Ash Commission carry out administrative functions reserved for the executive branch. They found the enabling legislation for these commissions to be "an impermissible commingling of the legislative power and executive power and an impermissible encroachment by the legislative branch of government on the executive branch of government in violation of Section 6 of Article I of the North Carolina Constitution..." (March 16, 2015, Wake County Superior Court Order).

### **Relevant Bills in Committee This Week:**

#### **HB 13** Amend School Health Assessment

The House Committee on Education – K-12 amended and approved this bill, then sent it to House floor. The House passed the bill on second reading and it is calendared for third reading on Monday night. The Committee amended it to require that a newly enrolling student’s health assessment be completed within the 12 months prior to the date the child “would have first been eligible for initial entry into the public schools.” Previously, it would have required the assessment to be completed within the 12 months prior to actual enrollment. Another change requires health assessment transmittal forms to be permanently maintained in the student’s official record.

On the floor, the House further amended HB 13 to prohibit suspension of a child for absences resulting from failure to present the health assessment transmittal form within the allotted time period. Health assessment transmittal forms would be confidential and only open to inspection by the Department of Health and Human Services, DPI, and authorized representatives. Local boards of education would not be able to code such absences as suspensions. This amendment also clarifies that students absent for this reason would need to be provided: (1) the opportunity to take textbooks home for the duration of the absence; (2) the right to receive all missed assignments and, to the extent possible, the materials distributed to students in connection with assignments; and (3) the opportunity to take any exams missed during the absence period.

Another amendment on the House floor changed the allotted timeframe from 30 days to 60 days for health assessment transmittal forms to be submitted after a student’s first day of attendance. Principals would be prohibited from allowing a child to attend school if the forms are not received within 60 days, given that proper notice of deficiency has been provided. Currently, principals have 60 days to submit health assessment status reports after the beginning of a new school year. This bill would allow 90 days.

#### **HB 29** Technical Changes to Courses of Study Statute

The House Committee on Education – K-12 amended and approved this bill on Tuesday, and it will go to the House for a vote on the floor. As a Technical Changes bill, it repeals the current 115C-81 through 115C-81.4 and primarily reorganizes the law with new headings and statutes aligned with North Carolina’s Standard Course of Study, such as “Career and Technical Education” and “Health Education,” etc. It also repeals the Basic Education Plan (BEP), eliminates references to the BEP in State statutes, and sets forth the following new language under a new statute, 115C-81.5:

"All children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall adopt a plan of education and a standard course of study as provided in G.S. 115C-12(9c) for the public schools of the State. It is the intent of the General Assembly that the focus of State educational funding shall be to ensure that each student receives a sound basic education."

### [HB 129](#) High Achieving Tuition Scholarships

The House Committee on Education – Community Colleges amended and approved this bill, which will now go to the House Committee on Education – Universities. The bill would create the High Achieving Tuition Scholarship Program, awarding scholarships to top-performing high school students attending NC community colleges beginning in the 2016-17 school year. A student would be eligible to receive the scholarship if all of the following requirements are met:

1. In the academic semester prior to enrolling in a community college, graduates with a 3.5 unweighted GPA from a NC public high school, nonpublic high school, or home school.
2. Is a United States citizen and can present evidence of such.
3. Qualifies as a resident of NC for tuition purposes.
4. Gains admission as a degree-seeking student at a NC community college.
5. Complies with Selective Service registration requirements.

The State Education Assistance Authority (SEAA) would annually award the scholarships to all eligible students in an amount not to exceed the cost of 16 credit hours of tuition per semester for a maximum of four semesters. To receive this scholarship, students must also complete the Free Application for Federal Student Aid (FAFSA). The amount of the scholarship would be reduced by the amount of any grants or scholarships received by a student from other State or federal sources.

For a scholarship to be renewed, students would need to maintain a 3.0 GPA and complete a minimum of 30 semester credit hours by the end of the academic year. A scholarship would be revoked at the conclusion of each semester for any of the following:

1. Failure to maintain a 2.5 GPA.
2. Failure to maintain a course load of at least 12 credit hours.
3. Default of unpaid refund on a student financial aid program.
4. Felony convictions for controlled substances.

Community colleges would ensure that scholarship recipients are provided counseling and assistance to select coursework that reflects the student's educational and career goals and that earned credits are transferable. Beginning with the 2016-17 school year, any student admitted to a UNC System school that is awarded this scholarship may defer admission to that school for up to two years. In the 2015-16 school year, the SBE would require LEAs to survey high school students in their senior year who meet the eligibility requirements of this scholarship to determine interest, including the number of students who intend to apply for the scholarship and reasons that eligible students may choose not to apply. The SBE would provide this information to the General Assembly by December 1, 2015.

The UNC Board of Governors and State Board of Community Colleges would jointly report to the Legislature on potential issues related to the transition of scholarship recipients from community colleges to universities, and other recommendations to improve and expand the program. The SEAA would report annually to the Legislature on

implementation, administration, and specifics of the scholarship program. For the 2016-17 fiscal year, \$2 million would be appropriated for the program and \$3.5 million in 2017-18.

### [HB 138](#) Arts Education Requirement

The House Committee on Education – K-12 amended and passed this bill, which then passed the House on Wednesday. This bill directs the SBE to require one Arts Education credit between grades six and 12 prior to graduation from high school beginning with students entering the sixth grade in 2018. Students transferring to a NC public school beginning in the ninth grade or later would not be subject to this requirement if it prevents graduating with the graduation cohort to which the student was assigned when transferring. The SBE would report to the Legislature by December 15, 2018, on the statewide implementation of comprehensive arts education and the graduation requirement herein. HB 138 is now assigned to the Committee on Rules and Operations of the Senate.

### **Relevant Bills on the Floor This Week:**

#### [HB 18](#) Planning Year for CIHSs

Last week, the House Committee on Education – K-12 removed the \$750,000 appropriation from this bill. As such, its referral to the House Appropriations Committee was not necessary and it was taken to the floor of the House. The bill would provide new, properly approved CIHSs with the option of having a planning year after approval. Currently, CIHSs can request additional funds, which must be specifically appropriated by the General Assembly. This bill would allow new CIHSs to use those additional funds during an optional planning year if requested. HB18 passed the House and was referred to the Committee on Rules and Operations of the Senate.

### **Relevant Bills with Action This Week:**

#### [HB 13](#) Amend School Health Assessment (Torbett)

- Passed 2<sup>nd</sup> reading in the House on Wednesday, March 18
- Calendared in the House for Monday, March 23

#### [HB 18](#) Planning Year for CIHSs (S. Martin, Horn, Shepard, Hanes)

- Passed the House on Wednesday, March 18
- Referred to the Committee on Rules and Operations of the Senate

#### [HB 29](#) Technical Changes to Courses of Study Statute (L. Johnson, Glazier, Holloway, Horn)

- Favorable report from the House Committee on Education – K-12

#### [HB 35](#) Education Innovation Task Force (Elmore, S. Martin, Horn, Cotham)

- Favorable report from the House Committee on Education – K-12
- Passed the House on Wednesday, March 18
- Referred to the Committee on Rules and Operations of the Senate

- [HB 113](#) Protect Our Students Act (Hastings, Presnell, R. Turner, Bishop)
- Passed the House on Tuesday, March 17
  - Referred to the Committee on Rules and Operations of the Senate
- [HB 129](#) High Achieving Tuition Scholarships (Elmore, Dobson, Holloway, McNeill)
- Favorable report from the House Committee on Education – Community Colleges
  - Referred to the House Committee on Education – Universities, if favorable Appropriations
- [HB 138](#) Arts Education Requirement (Carney, L. Johnson, Elmore, Glazier)
- Passed the House on Wednesday, March 18
  - Referred to the Committee on Rules and Operations of the Senate
- [HB 158](#) ([SB 125](#)) Jim Fulghum Teen Skin Cancer Prevention Act (Lambeth, Dollar, Hurley, McElraft)
- Withdrawn from the House Calendar
  - Re-referred to the House Committee on Regulatory Reform
- [HB 207](#) School Calendar Flexibility/Cumberland County (Lucas, Floyd, Glazier)
- Referred to the House Committee on Education – K-12
- [HB 208](#) ([SB 268](#)) Create Department of Information Technology (Saine, Bradford, Tine, B. Brown)
- Referred to the House Committee on Appropriations
- [HB 209](#) Stoplight/Jackson School Funds (Pittman, Ford)
- Referred to the House Committee on Appropriations
- [HB 216](#) Great Leaders for Great Schools/Study (Cotham, Horn, Brockman)
- Referred to the House Committee on Education – K-12
- [HB 220](#) School Calendar Flexibility/Certain Counties (Yarborough, Baskerville)
- Referred to the House Committee on Education – K-12
- [HB 223](#) School Calendar Flexibility/Caldwell County Schools (Robinson)
- Referred to the House Committee on Education – K-12
- [HB 226](#) School Calendar Flexibility/Certain LEAs (Waddell)
- Referred to the House Committee on Education – K-12
- [HB 228](#) Asst. Principal/Principal Salaries (Holloway, Elmore, Whitmire, Cotham)
- Referred to the House Committee on Appropriations

- [HB 231](#) School Calendar Flexibility/Martin County (Willingham)
- Referred to the House Committee on Education – K-12
- [HB 233](#) Evidence Passed Vehicle is a School Bus (Lambeth, Hanes)
- Referred to the House Committee on Transportation, if favorable, Appropriations
- [HB 237](#) Repeal Personal Ed. Plans/Transition Teams & Plans (Elmore, Holloway, Glazier)
- Referred to the House Committee on Education – K-12
- [HB 238](#) Duty-Free Time/Lunch for Teachers (Elmore, Holloway, Glazier)
- Referred to the House Committee on Education – K-12
- [HB 248](#) Eliminate NC Final Exam (Holloway, Elmore, Whitmire)
- Referred to the House Committee on Education – K-12
- [HB 249](#) Reaffirming Support for Public Schools (Horn, L. Johnson, Gill, Holloway)
- Withdrawn from the House Calendar
  - Re-referred to the Committee on Rules, Calendar, and Operations of the House
- [HB 251](#) School Calendar Flexibility/Transylvania County (Whitmire)
- Referred to the House Committee on Education – K-12
- [HB 258](#) School Calendar Flexibility/Chatham County (Reives)
- Referred to the House Committee on Education – K-12
- [HB 260](#) School Calendar Flexibility/ Gates County (Hunter)
- Referred to the House Committee on Education – K-12
- [HB 274](#) Retirement Technical Corrections Act of 2015 (Gill, L. Bell, Elmore, Waddell)
- Referred to the House Committee on Pensions and Retirement
- [HB 277](#) Retirement Admin. Changes Act of 2015 (Ross, Gill, Goodman, McNeill)
- Referred to the House Committee on Pensions and Retirement
- [HB 275](#) School Calendar Flexibility/Charlotte-Meck. (Bryan, Bradford, Cotham, Bishop)
- Referred to the House Committee on Education – K-12
- [HB 276](#) Agency Participation Procedures Act of 2015 (Ross, Gill, Goodman, McNeill)
- Referred to the House Committee on Education – K-12, if favorable, Pensions and Retirement
- [HB 280](#) School Calendar Flexibility/Certain School Systems (Ager, B. Turner, Fisher)
- Referred to the House Committee on Education – K-12

- [HB 282](#) Streamline Seized Vehicle Disposal (Cleveland, R. Brown, Riddell)
- Referred to the House Committee on Regulatory Reform, if favorable, Finance
- [HB 300](#) Amend School Performance Grades (Riddell, Whitmire, L. Bell, Ross)
- Referred to the House Committee on Education – K-12
- [HB 310](#) No Class Rank Computation/Chapel Hill (Meyer, Insko)
- Filed
- [HB 314](#) Pilot/Sports for Students with Disabilities (Bryan, Stam, Lambeth)
- Filed
- [HB 318](#) Protect North Carolina Workers Act (Cleveland, Mills, Whitmire, Conrad)
- Filed
- [SB 97](#) State Advisory Council on Indian Education (Davis)
- Withdrawn from the Committee on Rules and Operations of the Senate
  - Re-referred to the Senate Committee on Education/Higher Education
- [SB 176](#) Charter School Grade Level Expansion (Rabin)
- Withdrawn from the Committee on Rules and Operations of the Senate
  - Re-referred to the Senate Committee on Education/Higher Education
- [SB 244](#) Schools Closed Due to Inclement Weather (Soucek)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 246](#) Increase Options for Local Option Sales Tax (Smith)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 254](#) Durham County School Base Health Centers/Contraceptive Services (McKissick, Woodard)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 259](#) School Calendar Flexibility/Certain School Systems (Smith-Ingram)
- Referred to the Senate Committee on Ways and Means
- [SB 260](#) Permit Align School/Community College Calendar (Bryant)
- Referred to the Senate Committee on Ways and Means
- [SB 267](#) School Calendar Flexibility/Charlotte-Mecklenburg (Tarte, Waddell, Jackson)
- Referred to the Senate Committee on Ways and Means
- [SB 268](#) ([HB 208](#)) Create Department of Information Technology (Tarte, Brock, Hise)
- Referred to the Committee on Rules and Operations of the Senate

- [SB 272](#) ([SB 242](#)) Eliminate Personal Education Plans (Tillman, Apodaca)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 276](#) Bereavement Leave/State and School Employees (D. Davis, Smith-Ingram)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 277](#) ([HB 26](#)) Restore Educational Sales Tax Holiday (D. Davis, Smith-Ingram)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 278](#) Correct State Boards and Commissions (Barefoot)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 279](#) Amend Qualifications/Practice of Counseling (Barefoot)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 281](#) State Departments & Agencies/Required Audits (Tarte, Davis, Jackson)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 283](#) Classroom Experience for School Personnel (Hartsell)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 289](#) Education Preparation Reform Act (Barefoot)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 293](#) OK to Align School and Community College Calendar (Hartsell)
- Referred to the Senate Committee on Ways and Means
- [SB 298](#) School Bus Cameras/Civil Penalties (Alexander, McInnis)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 315](#) School Playground Available to Public (Pate, Tillman, Duyn)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 316](#) Reaffirm Support for Public Schools (Berger)
- Adopted
- [SB 324](#) ([HB 255](#)) Building Code Reg. Reform (Brock, McInnis, Clark)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 330](#) Change Orders on School Construction Projects (McInnis, Tillman)
- Referred to the Committee on Rules and Operations of the Senate
- [SB 333](#) Teacher Attrition Data (Soucek)
- Referred to the Committee on Rules and Operations of the Senate

[SB 343](#) Student Assault on Teacher/Felony Offense (Tillman)

- Filed

[SB 346](#) Enact Stricter Immunization Requirements (Tarte, Barringer, Duyn)

- Filed

[SB 344](#) Administration/NC Education Endowment Fund (Tillman)

- Filed

[SB 348](#) Equal Tax Treatment of Government Retirees (Randleman)

- Filed

### **Meetings March 24 – March 25:**

#### **Tuesday, March 24**

- 11:00 AM House Education – Community Colleges, 643 LOB
  - HB 129 High Achieving Tuition Scholarships

#### **Wednesday, March 25**

- 8:30 AM House Elections, 544 LOB
  - HB 111 Stanly County Board of Education Recall
  - HB 112 Stanly County Board of Education Election Method
  - HB 189 Rockingham County School Board
- 11:00 AM Senate Education/Higher Education, 544 LOB
  - SB 97 State Advisory Council on Indian Education
  - SB 176 Charter School Grade Level Expansion
- 12:00 PM Senate Workforce and Economic Development, 544LOB
- 1:00 PM House Public Utilities, 643 LOB
  - HB 86 Utility Line Relocation/School Board

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