



LEGISLATIVE UPDATE

June 5, 2015

A fair amount of education bills moved through Committee, and others became law this week, while Senate Appropriations leaders put finishing touches on the Senate's proposed budget bill to be released on/around Tuesday of next week in time for the anticipated full Senate Appropriations Committee meeting. As it stands now, the Senate is slated to approve its budget proposal next week, after which the House and Senate will formally take up their budget negotiations into the following weeks of June.

Other Education News This Week

On Tuesday, the NC Court of Appeals issued its ruling that the removal of career status for teachers who have already earned it was unconstitutional in violation of Article I Section 10 (the contract clause) and Article I Section 19 (the law of the land clause) of the North Carolina State Constitution. [*NC Association of Educators, Inc. v. State*](#). The court determined that career status equaled a valuable employment benefit and as such the plaintiffs earned a contractual right in their career status. Therefore, in the court's opinion, that contractual right is a property right and the taking of career status, without compensation, equaled an unconstitutional taking of property by the State. The case may be appealed to the NC Supreme Court.

Relevant Bills in Committee

[SB 333](#) Teacher Attrition Data

On Tuesday, the House Committee on Education/K-12 amended and approved S333 which the House passed on Wednesday. The bill specifies fields of data to be reported under G.S. 115C-12(22) in SBE's Report on the Teaching Profession (i.e., "Teacher Turnover Report"). New data to be collected under this bill would be reflected in the 2017 annual report using data from the 2016-2017 school year. The bill collects data on "hard-to-staff schools," which are defined as any school identified as low-performing in G.S. 115C-105.37. Additionally, the bill requires data on the number of positions in "hard-to-staff" subject areas. The bill, as amended, would also include the specified fields of data "disaggregated by the effectiveness ratings of those teachers on the North Carolina Educator Evaluation System (NCEES)[.]" Education advocates have raised concerns about this amendment, and the bill is scheduled for the Senate on Monday.

Relevant Bills on the Floor This Week:

[HB 190](#) State Health Plan Modifications

Among other technical modifications, the bill allows retirees and surviving spouses to disenroll from the State Health Plan at any time within that Plan year without a qualifying event, and they may disenroll their dependants in the same way. The bill received a favorable report from the Senate Committee on Insurance, and the Senate passed it on Thursday.

[SB 315](#) School Playgrounds Available to Public

The House passed this bill on Wednesday and it has gone to the Governor for review, having already passed the Senate. The bill would authorize local boards of education to make outdoor school property available to the public for recreational purposes, subject to the terms and conditions each board deems appropriate, so long as the property is not being used for school purposes and the use is consistent with proper preservation and care of the school property. Liability would not attach to any board of education or individual board members for personal injury suffered by such use of school property. Debate centered on immunity from liability, but the bill passed with a favorable report and went on to pass the House.

[SB 597](#) Repeal References to ABCs (formerly titled “Education Statutes Revision”)

The amended SB 597 repeals the now non-existent ABCs program still referenced in state statute. The bill passed the House unanimously and awaits the Governor’s signature.

[SB 112](#) Community Fishing Courses/Coastal Colleges

This bill recognizes that commercial fishing is a large industry in Coastal North Carolina and classes in aquaculture are only offered in two of the state’s community colleges. This bill urges community colleges to offer classes on aquaculture and requires the North Carolina Community Colleges System Office to provide support for these programs. The bill passed the House on Tuesday and is now before the Governor.

Other Bills with Action This Week:

[HB 113](#) Protect Our Students Act

- Signed by Governor
- SL 2015-44

[HB 162](#) Sudden Cardiac Arrest Education/Students

- Withdrawn from Senate Rules Committee
- Re-referred to Senate Committee on Education/Higher Education

[HB 232](#) Study/Update Bicycle Safety Laws

- Signed by Governor
- SL 2015-45

[HB 237](#) Repeal Personal Ed Plans/Modify Transition Plans

- Signed by Governor
- SL 2015-46

[HB 424](#) Fostering Success

- Withdrawn from House Committee on Appropriations

[HB 255](#) Building Code Regulation Reform

- Referred to Committee on Agriculture/Environment/Natural Resources

[HB 274](#) Retirement Technical Corrections Act

- Presented to the Governor

[HB 561](#) School System Authority Re: Legal Proceedings

- Withdrawn from Senate Committee on Judiciary II

[HB 669](#) Juvenile Law Changes/Abuse/Neglect/Dependency

- Withdrawn from Senate Committee on Judiciary II

[HB 879](#) Juvenile Code Reform

- Signed by Governor
- Became SL 2015-58

[SB 211](#) Damages for Late Payment of Monies/Charters

- Withdrawn from the House Committee on K-12 Education
- Re-referred to the House Judiciary I Committee

[SB 578](#) Transition Certain Abuse Investigations/DCDEE

- Favorable report from the Committee on Children, Youth, and Families
- Re-referred to the Judiciary III

Meetings June 8- 12:

Monday, June 8

- 1:30 PM Senate Convenes
 - [SB 333](#) Teacher Attrition Data
- 7:00 PM House Convenes

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