

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-165
SENATE BILL 343**

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 G.S. 116C-5(e) is repealed.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 Section 7.28(g) of S.L. 2007-323 is repealed.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 G.S. 116C-4(c) is repealed.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 Section 9.5(b) of S.L. 2017-57 is repealed.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 regional programs during the year. The report shall include the specific reasons for which each new program was approved, a progress report on regionalization of programs, and a list of program terminations approved by the State Board."~~

PART II. REPORT DATE CHANGES

SECTION 2.1. 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 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."

SECTION 2.2. G.S. 115C-218.110(b) reads as rewritten:

"(b) The State Board of Education shall review and evaluate the educational effectiveness of the charter schools authorized under this Article and the effect of charter schools on the public schools in the local school administrative unit in which the charter schools are located. The Board shall report annually no later than ~~January 15~~ February 15 to the Joint Legislative Education Oversight Committee on the following:

- (1) The current and projected impact of charter schools on the delivery of services by the public schools.
- (2) Student academic progress in the charter schools as measured, where available, against the academic year immediately preceding the first academic year of the charter schools' operation.
- (3) Best practices resulting from charter school operations.
- (4) Other information the State Board considers appropriate."

SECTION 2.3. G.S. 115D-5.1(f) reads as rewritten:

"(f) ~~The State Board Community Colleges System Office~~ shall report ~~on an annual basis~~ no later than September 1 of each year to the Joint Legislative Education Oversight Committee on:

- (1) The total amount of funds received by a company under the Customized Training ~~Program;~~Program.
- (1a) The types of services sought by the company, whether for new, expanding, or existing industry.
- (2) The amount of funds per trainee received by that ~~company;~~company.
- (3) The amount of funds received per trainee by the community college delivering the ~~training;~~training.
- (4) The number of trainees trained by the company and community ~~college;~~ and college.
- (5) The number of years that company has been funded."

SECTION 2.4. G.S. 115D-9(g) reads as rewritten:

"(g) ~~The State Board Community Colleges System Office~~ shall ~~annually~~ report no later than October 1 of each year to the State Building Commission the following:

- (1) A list of projects governed by this section.
- (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 2.5. 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."

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 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 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 reading as required by this subdivision.~~high school diploma endorsements in accordance with G.S. 115C-156.2."

SECTION 3.3.(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 shall be combined with the evaluation of the Career and College Promise Program required by G.S. 115D-5(x), and the Community Colleges System Office shall be responsible for submitting the combined report to the Committee."

SECTION 3.3.(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 shall be combined with the evaluation of cooperative innovative high schools required by G.S. 115C-238.55, and the Community Colleges System Office shall be responsible for submitting the combined report to the Committee."

SECTION 3.4. G.S. 115D-5(b2) reads as rewritten:

"(b2) Beginning February 1, 2018, and annually thereafter, the ~~State Board of Community Colleges System Office~~ shall report to the Joint Legislative Education Oversight Committee on the number and type of waivers granted pursuant to subsection (b) of this section."

SECTION 3.5. 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 3.6.(a) G.S. 120-70.84 reads as rewritten:

"§ **120-70.84. Reports to the Committee.**

By March 1, 2014, and by January 1, 2015, and annually thereafter, ~~TFA [Teach for America, Inc.] Teach for America, Inc., (TFA)~~ shall report 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 Appropriations Committee, the Senate Appropriations Committee on Education/Higher Education, the House Appropriations Committee on Education, the Joint Legislative Education Oversight Committee Committee, and the Fiscal Research Division on the operation of its programs under subsection (a) of Section 8.21 of S.L. 2013-360, including at least all of the following information:

- (1) The total number of applications received nationally from candidates seeking participation in the program.
- (2) The total number of applications received from candidates who are residents of North Carolina and information on the source of these candidates, including the number of (i) recent college graduates and the higher institution the candidates attended, (ii) mid-career level and lateral entry industry professionals, and (iii) veterans of the United States Armed Forces.
- (3) The total number of North Carolina candidates accepted by TFA.
- (4) The total number of accepted candidates placed in North Carolina, including the number of accepted candidates who are residents of North Carolina.
- (5) The regions in which accepted candidates have been placed, the number of candidates in each region, and the number of students impacted by placement in those regions.
- (6) Success of recruitment efforts, including the Teach Back Home program and targeting of candidates who are (i) working in areas related to STEM education, (ii) mid-career level and lateral entry industry professionals, and (iii) veterans of the United States Armed Forces.
- (7) Success of retention efforts, including the Teach Beyond Two and Make it Home programs, and the percentage of accepted candidates working in their placement communities beyond the initial TFA two-year commitment period and the number of years those candidates teach beyond the initial commitment.
- (7a) The percentage of candidates who are residents of North Carolina and become principals in a North Carolina public school following the initial TFA two-year commitment period.
- (8) A financial accounting of how the State funds appropriated to TFA were expended in the previous year, including at least the following information:
 - a. Funds expended by region of the State.
 - b. Details on program costs, including at least the following:
 1. Recruitment, candidate selection, and placement.
 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 August 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 September 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 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 subsection (c) of this section and sub-subdivisions a., b., d., and e. of subdivision (2) of subsection (c) of this section 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 subsection (c) of this section and sub-subdivisions c., f., g.,

and h. of subdivision (2) of subsection (c) of this section 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~~, subsection (c) of this section.

...."

SECTION 6.(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.

PART VII. EXEMPT STATE BOARD CHARTER ACTIONS FROM CONTESTED CASE PROVISIONS

SECTION 7. G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(26) The State Board of Education with respect to the disapproval, termination, renewal, or nonrenewal of charters under Article 14A of Chapter 115C of the General Statutes."

PART VIII. EFFECTIVE DATE

SECTION 8. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of July, 2019.

s/ Ralph E. Hise
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:03 p.m. this 26th day of July, 2019