

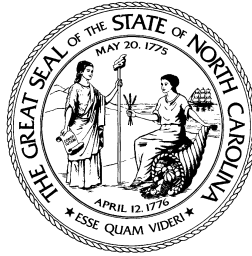
# House Appropriations Subcommittee on Education

## Proposed Special Provisions for S897: Appropriations Act of 2010



**May 27, 2010**

GENERAL ASSEMBLY OF NORTH CAROLINA



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APPROPRIATIONS SUBCOMMITTEE ON EDUCATION REPORT

MAY 27, 2010

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GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DPI-H9(S7.1)i

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***FUNDS FOR CHILDREN WITH DISABILITIES***

2       **SECTION 7.1.** The State Board of Education shall allocate additional funds for  
3 children with disabilities on the basis of three thousand five hundred ninety-eight dollars and  
4 fifty-five cents (\$3,598.55) per child. Each local school administrative unit shall receive funds  
5 for the lesser of (i) all children who are identified as children with disabilities or (ii) twelve and  
6 five-tenths percent (12.5%) of the 2010-2011 allocated average daily membership in the local  
7 school administrative unit. The dollar amounts allocated under this section for children with  
8 disabilities shall also adjust in accordance with legislative salary increments, retirement rate  
9 adjustments, and health benefit adjustments for personnel who serve children with disabilities.

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2010-DPI-H10(S7.2)i

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***FUNDS FOR ACADEMICALLY GIFTED CHILDREN***

2       **SECTION 7.2.** The State Board of Education shall allocate additional funds for  
3 academically or intellectually gifted children on the basis of one thousand one hundred  
4 ninety-two dollars and ninety cents (\$1,192.90) per child. A local school administrative unit  
5 shall receive funds for a maximum of four percent (4%) of its 2010-2011 allocated average  
6 daily membership, regardless of the number of children identified as academically or  
7 intellectually gifted in the unit. The dollar amounts allocated under this section for  
8 academically or intellectually gifted children shall also adjust in accordance with legislative  
9 salary increments, retirement rate adjustments, and health benefit adjustments for personnel  
10 who serve academically or intellectually gifted children.

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2010-DPI-H2(S7.3)-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *STATE FISCAL STABILIZATION FUND APPROPRIATION*

2       **SECTION 7.3.** In order to ensure compliance with the requirements of Title XIV  
3 of the American Recovery and Reinvestment Act of 2009 and notwithstanding any other  
4 provision of law, the Office of State Budget and Management shall adjust the State Fiscal  
5 Stabilization Fund appropriation amounts, including any associated budget reductions, between  
6 the State Public School Fund and The University of North Carolina budget to align with the  
7 requirements of the North Carolina State Fiscal Stabilization Fund application as amended for  
8 2010-2011. If associated budget reductions are required within the State Public School Fund,  
9 the Office of State Budget and Management shall first adjust the Classroom  
10 Materials/Instructional Supplies/Equipment allotment prior to adjusting any other allotments  
11 within the State Public School Fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DPI-H17(S7.5)-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 **MORE AT FOUR PROGRAM**

2 **SECTION 7.5.(a)** The Department of Public Instruction shall continue the  
3 implementation of the More at Four prekindergarten program for four-year-olds who are at risk  
4 for school failure in all counties. The State prekindergarten program shall serve children who  
5 reach the age of four on or before August 31 of that school year and who meet eligibility  
6 criteria that indicate a child's risk for school failure. Prekindergarten classrooms shall be  
7 operated in public schools, Head Start programs, and licensed child care facilities that choose to  
8 participate under procedures defined by the Office of Early Learning within the Department of  
9 Public Instruction. All such classrooms shall be subject to the supervision of the Office of Early  
10 Learning and shall be operated in accordance with standards adopted by the State Board of  
11 Education.

12 **SECTION 7.5.(b)** The Office of Early Learning shall specify program standards  
13 and requirements addressing:

- 14 (1) Early learning standards and curricula;
- 15 (2) Teacher education and specialized training;
- 16 (3) Teacher in-service training and professional development;
- 17 (4) Maximum class size;
- 18 (5) Staff-child ratio;
- 19 (6) Screenings, referrals, and support services;
- 20 (7) Meals; and
- 21 (8) Monitoring of sites to demonstrate adherence to State programs standards.

22 **SECTION 7.5.(c)** The State Board of Education shall submit an annual report no  
23 later than March 15 of each year to the Joint Legislative Commission on Governmental  
24 Operations, the Joint Legislative Education Oversight Committee, the Senate Appropriations  
25 Committee on Education, the House of Representatives Appropriations Subcommittee on  
26 Education, the Office of State Budget and Management, and the Fiscal Research Division. The  
27 report shall include the following:

- 28 (1) The number of children participating in State prekindergarten.
- 29 (2) The number of children participating in State prekindergarten who have  
30 never been served in other early education programs, such as child care,  
31 public or private preschool, Head Start, Early Head Start, or early  
32 intervention programs.
- 33 (3) The expected State prekindergarten expenditures for the programs and the  
34 source of the local contributions.
- 35 (4) The results of an annual evaluation of the program.

36 **SECTION 7.5.(d)** The Office of Early Learning shall establish income eligibility  
37 requirements for the program not to exceed seventy-five percent (75%) of the State median  
38 income. Up to twenty percent (20%) of children enrolled may have family incomes in excess of

1 seventy-five percent (75%) of median income if they have other designated risk factors.  
2 Furthermore, any age-eligible child of (i) an active duty member of the armed forces of the  
3 United States, including the North Carolina National Guard, State military forces, or a reserve  
4 component of the armed forces, who is ordered to active duty by the proper authority within the  
5 last 18 months or expected to be ordered within the next 18 months or (ii) a member of the  
6 armed forces of the United States, including the North Carolina National Guard, State military  
7 forces, or a reserve component of the armed forces, who was injured or killed while serving on  
8 active duty, shall be eligible for the program.

9 **SECTION 7.5.(e)** The More at Four program funding shall not supplant any  
10 funding for classrooms serving four-year-olds as of the 2005-2006 fiscal year. Support of  
11 existing four-year-old classrooms with More at Four program funding shall be permitted when  
12 current funding is eliminated, reduced, or redirected as required to meet other specified federal  
13 or State mandates.

14 **SECTION 7.5.(f)** The Office of Early Learning shall develop a new More at Four  
15 funding model to be implemented in the 2010-2011 fiscal year. The per-child funding rates  
16 shall be based on participating provider cost structures and shall require a contribution of local  
17 resources to support the full cost of providing high quality prekindergarten. The Office of Early  
18 Learning shall implement an administrative cap on More at Four program funding and shall  
19 establish parameters for allowable administrative costs.

20 **SECTION 7.5.(g)** The Office of Early Learning shall contract with an independent  
21 research organization not affiliated with the Department of Health and Human Services, the  
22 Department of Public Instruction, the Office of the Governor, or any entity currently funded by  
23 or affiliated with the Department of Health and Human Services, the Department of Public  
24 Instruction, or the Office of the Governor to produce an annual report to include longitudinal  
25 review of the More at Four program and academic, behavioral, and other child-specific  
26 outcomes. The review shall include a quasi-experimental research design of a representative  
27 sample of children who complete the More at Four program every year and shall report on their  
28 sustained progress until the end of grade 9. The review shall also study a representative sample  
29 of children who do not enter the More at Four program but who are of the same grade level and  
30 demographic as those who complete the program, and their sustained progress shall also be  
31 reviewed until the end of grade 9. The review shall be presented to the Joint Legislative  
32 Oversight Committee on Education by January 31 of every year.

33 **SECTION 7.5.(h)** To consolidate all of the regulatory functions regarding the  
34 monitoring of early care and education providers in certain private settings, it is the intent of  
35 the General Assembly that the Department of Health and Human Services and the Department  
36 of Public Instruction authorize Division of Child Development staff to assume the regulatory  
37 functions of the More at Four program in private classroom settings. The Department of Public  
38 Instruction shall provide Division of Child Development staff with the training necessary to  
39 monitor compliance with the More at Four program. The Division of Child Development shall  
40 continue its current licensing functions for those classrooms voluntarily licensed in public  
41 settings.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DPI-H18(S7.6)-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *LEADERSHIP ACADEMY*

2           **SECTION 7.6.** Of the funds appropriated in this act to the Department of Public  
3 Instruction for the 2010-2011 fiscal year, up to two hundred thousand dollars (\$200,000) may  
4 be used to support a Leadership Academy that provides professional development to principals  
5 and assistant principals to address critical areas such as student achievement and teacher  
6 recruitment and retention. The Leadership Academy is encouraged to utilize webinars and  
7 other technologies to reduce travel expenses and to reach additional participants.

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SPECIAL PROVISION



2010-DPI-H11(S7.7)i

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *DEPARTMENT OF PUBLIC INSTRUCTION*

2 **SECTION 7.7.(a)** The Department of Public Instruction is not required to  
3 eliminate receipt-supported positions for the 2010-2011 fiscal year.

4 **SECTION 7.7.(b)** The Department of Public Instruction shall review expenditures  
5 of federal funds for personnel and contracts at the State level. Unless the expenditure is a  
6 condition of receiving the funds, the Department shall reallocate the funds to local school  
7 administrative units whenever possible.

8 The Department shall report on the reallocation of these funds to local school  
9 administrative units, to the Office of the Governor, the chairs of the House of Representatives  
10 Committee on Appropriations and the House of Representatives Appropriations Subcommittee  
11 on Education, the chairs of the Senate Committee on Appropriations/Base Budget and the  
12 Senate Appropriations Committee on Education/Higher Education, and the Office of State  
13 Budget and Management no later than January 15, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DPI-H19(S7.8)-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 **CAREER AND COLLEGE – READY, SET, GO!**

2 **SECTION 7.8.(a)** The State Board of Education shall work with all member  
3 institutions of the Education Cabinet and the Joint Governing Boards to focus funding and  
4 program priorities to ensure that all North Carolina students graduate prepared to successfully  
5 pursue a career or further education. Each Education Cabinet institution shall prioritize the  
6 Governor's Ready, Set, Go! initiative and ensure to the extent practicable that all students  
7 PK-20:

- 8 (1) Are prepared to be successful in school and can successfully progress  
9 through PK-20 education. This includes, but is not limited to:
- 10 a. Establishment of the Governor's Child Advocacy Council to increase  
11 ways for all children to come to school healthy and ready to learn;
  - 12 b. Investment in early child development programs like Smart Start and  
13 More at Four;
  - 14 c. Investment in smaller class sizes in K-3;
  - 15 d. Implementation of student diagnostics in grades K-3 and 5 to ensure  
16 that all students at a minimum possess grade-level reading, writing,  
17 and math skills;
  - 18 e. Implementation of student diagnostics for career and college  
19 readiness in grades 8 and 11 so students graduate prepared for work,  
20 college, or technical training; and
  - 21 f. Implementation of the Student Learning Conditions Survey for  
22 grades 7, 9, and 11 that is aligned with the Teacher Working  
23 Conditions Survey.
- 24 (2) Receive clear standards and high expectations, and benefit from the best  
25 teachers and principals that can most effectively help students reach those  
26 standards. This includes, but is not limited to:
- 27 a. Adoption of the State-led National Common Standards, including  
28 Career and College Ready Skills and assessments that prepare  
29 students for the global economy;
  - 30 b. Evaluation of Teacher Preparation programs to identify best practices  
31 and programs that produce effective teachers;
  - 32 c. Increased access to virtual learning opportunities for students and  
33 teachers like those provided through the NC Virtual Public School;
  - 34 d. Increased access to Science, Technology, Engineering and  
35 Mathematics (STEM) opportunities;
  - 36 e. Development of leadership academies that recruit and prepare  
37 effective principals;

- 1 f. Development of a PK-20 data system to provide comprehensive  
2 information on students;
- 3 g. Reduction and eventual elimination of low-performing status in  
4 North Carolina schools; and
- 5 h. Job-imbedded professional development for teachers and principals.
- 6 (3) Fully understand and complete the prerequisites for the career, certification,  
7 or degree of choice that promotes workforce success. This includes, but is  
8 not limited to:
- 9 a. Development of academic boot camps for high school students who  
10 need additional support in reading, composition, and math;
- 11 b. Consolidation of high school transition courses to provide high  
12 school students with more college-level or career and technical  
13 courses;
- 14 c. Increased access to virtual college-level and specific career and  
15 technical courses for high school students;
- 16 d. Alignment between high school and college curricula so that all  
17 students are prepared for higher education work; and
- 18 e. Implementation of NCSuccess, a program designed to increase the  
19 number of certificates and associate or bachelor's degrees in higher  
20 education.

21 **SECTION 7.8.(b)** The Education Cabinet shall report by January 15, 2011, to the  
22 Office of the Governor, the Joint Governing Boards, and the Joint Education Oversight  
23 Committee on its progress toward reaching the Governor's goal that every North Carolina  
24 student will graduate ready to be successful in a career, a 2- or 4-year college, or technical  
25 training.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DPI-H12(S7.9)i

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *SCHOOL CONNECTIVITY INITIATIVE*

2 **SECTION 7.9.** Section 7.12.(a) of S.L. 2009-451, as rewritten by Section 3E of  
3 S.L. 2009-575, is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

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SPECIAL PROVISION



2010-DPI-H21(S7.11)-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS (NBPTS)*  
2 *FUNDS*

3 **SECTION 7.11.(a)** G.S. 115C-296.2(d1) reads as rewritten:

4 "(d1) Repayment of the Application Fee. – A teacher shall repay the application fee to the  
5 State Education Assistance Authority within three years. The commencement of cash  
6 repayment shall begin 12 months following the disbursement of the loan funds. The State  
7 Education Assistance Authority may forgive the loan upon the death or permanent disability of  
8 the teacher.

9 All funds appropriated to, or otherwise received by, the Authority to provide loans to  
10 teachers pursuant to this section, all funds received as repayment of loans, and all interest  
11 earned on these funds shall be placed in a trust fund. This fund shall be used only for loans  
12 made pursuant to this section and administrative costs of the Authority."

13 **SECTION 7.11.(b)** The State Board of Education shall transfer funds in the  
14 amount of three million two hundred seventy-four thousand five hundred dollars (\$3,274,500)  
15 from the State Public School Fund to the State Education Assistance Authority for the  
16 2010-2011 fiscal year for NBPTS loans. It is the intent of the General Assembly that these  
17 funds are included in the certified budget for the State Education Assistance Authority for the  
18 2011-2012 fiscal year and subsequent fiscal years.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DPI-H13(S7.12)i

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***DRIVER EDUCATION***

2           **SECTION 7.12.** The Highway Safety Research Center Institute of the University  
3 of North Carolina at Chapel Hill shall work in collaboration with the Department of Public  
4 Instruction and the Governor's Highway Safety Commission to create a standard curriculum to  
5 be used for the Driver Education Program in the Department of Public Instruction. The  
6 curriculum shall be ready for use in the school year beginning in the fall of 2011 and shall be  
7 used for all driver education programs funded with State funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DPI-H3(S7.13)-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *PROTECTION OF THE CLASSROOM WHILE MAXIMIZING FLEXIBILITY*

2 **SECTION 7.13.(a)** Section 7.8 of S.L. 2009-451 is amended by adding a new  
3 subsection to read:

4 "**SECTION 7.8.(e)** For the 2010-2011 fiscal year, local school administrative units shall  
5 make every effort to reduce spending from Career Technical Education – State: Program  
6 Support Funds before making any reductions to Career Technical Education – State: Months of  
7 Employment funds."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H22-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *JOINT LEGISLATIVE STUDY COMMITTEE ON THE CONSOLIDATION OF EARLY*  
2 *CHILDHOOD EDUCATION AND CARE*

3 **SECTION #.(a)** Committee Established. – There is created the Joint Legislative  
4 Study Committee on the Consolidation of Early Childhood Education and Care. The  
5 Committee shall consist of 10 members to be appointed as follows:

- 6 (1) Five members of the House of Representatives appointed by the Speaker of  
7 the House of Representatives.  
8 (2) Five members of the Senate appointed by the President Pro Tempore of the  
9 Senate.

10 The Speaker of the House of Representatives shall designate one representative as  
11 cochair, and the President Pro Tempore of the Senate shall designate one senator as cochair.  
12 Vacancies on the Committee shall be filled by the same appointing authority making the initial  
13 appointment.

14 The Committee, while in the discharge of its official duties, may exercise all powers  
15 provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Committee may  
16 meet at any time upon the joint call of the cochairs. The Committee may meet in the Legislative  
17 Building or the Legislative Office Building. The Committee may contract for professional,  
18 clerical, or consultant services as provided by G.S. 120-32.02.

19 The Legislative Services Commission, through the Legislative Services Officer,  
20 shall assign professional staff to assist the Committee in its work. The House of  
21 Representatives and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
22 the Committee, and the expenses relating to the clerical employees shall be borne by the  
23 Committee.

24 **SECTION #.(b)** Duties. – The Committee shall continue the work of the Task  
25 Force on the Consolidation of Early Childhood Education and Care created under S.L.  
26 2009-451 by continuing to work toward the development of an integrated system of early  
27 childhood education and care. To that end, the Committee may consult with and receive reports  
28 from the appropriate State departments, agencies, and board representatives on issues related to  
29 early childhood education and care and consider any other issues the Committee deems  
30 relevant.

31 The Committee shall closely coordinate its activities with the Governor's State  
32 Advisory Council on Early Childhood Education and Care.

33 **SECTION #.(c)** Report. – The Committee shall make a final report of its findings  
34 and recommendations to the 2011 Regular Session of the General Assembly. The Committee  
35 shall terminate on December 31, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H23-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***UNIFORM BUDGET FORMAT***

2 **SECTION #.** G.S. 115C-426(c) reads as rewritten:

3 "(c) The uniform budget format shall require the following funds:

- 4 (1) The State Public School Fund.  
5 (2) The local current expense fund.  
6 (3) The capital outlay fund.

7 In addition, other funds may be ~~required~~used to account for reimbursements, including  
8 indirect costs, fees for actual costs, tuition, sales tax revenues distributed using the ad valorem  
9 method pursuant to G.S. 105-472(b)(2), sales tax refunds, gifts and grants restricted as to use,  
10 trust funds, federal grants restricted as to use, federal appropriations made directly to local  
11 school administrative units, funds received for prekindergarten programs, and special  
12 programs. Each local school administrative unit shall maintain those funds shown in the  
13 uniform budget format that are applicable to its operations."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H1-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *LEGISLATIVE COMMISSION ON DIVERSITY IN THE PUBLIC SCHOOLS*

2 **SECTION #.(a)** There is created the Legislative Commission on Diversity in the  
3 Public Schools.

4 **SECTION #.(b)** The Commission shall consist of 15 members as follows:

- 5 (1) Five members of the House of Representatives appointed by the Speaker of  
6 the House of Representatives.  
7 (2) Five members of the Senate appointed by the President Pro Tempore of the  
8 Senate.  
9 (3) Five public members appointed by the Governor.

10 **SECTION #.(c)** The Speaker of the House of Representatives shall designate one  
11 representative as cochair, and the President Pro Tempore of the Senate shall designate one  
12 senator as cochair. Vacancies on the Commission shall be filled by the same appointing  
13 authority that made the initial appointment. A quorum of the Commission shall be a majority  
14 of its members.

15 **SECTION #.(d)** The Commission shall study the effects of student diversity in  
16 public school enrollment. As part of this study, the Commission shall:

- 17 (1) Consider whether schools in which students of various racial, ethnic, and  
18 socioeconomic characteristics are balanced improve the quality of the  
19 learning experience and the academic achievement of all students as  
20 compared to schools with more homogeneous student enrollments.  
21 (2) Examine whether diverse public schools are successful in closing the  
22 achievement gap.  
23 (3) Explore the level of parental involvement in schools with a diverse student  
24 population.  
25 (4) Examine best practices for creating and maintaining student diversity in  
26 schools and school systems in other states.  
27 (5) Consider whether diverse public schools improve student discipline.  
28 (6) Consider the fiscal impact and efficiency of State funding streams given the  
29 data accumulated in items (1) through (5).  
30 (7) Study any other issue the Commission considers relevant.

31 **SECTION #.(e)** The Commission, while in the discharge of its official duties, may  
32 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.  
33 The Commission may meet at anytime upon the joint call of the cochairs. The Commission  
34 may meet in the Legislative Building or the Legislative Office Building.

35 With approval of the Legislative Services Commission, the Legislative Services  
36 Officer shall assign professional staff to assist the Commission in its work. The House of  
37 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
38 the Commission, and the expenses relating to the clerical employees shall be borne by the

1 Commission. The Commission may contract for professional, clerical, or consultant services as  
2 provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a  
3 State employee or a person currently under contract with the State to provide services.

4 All State departments and agencies and local governments and their subdivisions  
5 shall furnish the Commission with any information in their possession or available to them.

6 **SECTION #.(f)** The Commission shall submit a final report of the results of its  
7 study and its recommendations to the 2011 General Assembly. The Commission shall  
8 terminate on March 1, 2011, or upon the filing of its final report, whichever occurs first.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H4-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***DROPOUT PREVENTION GRANTS***

2 **SECTION #.(a)** Notwithstanding Section 7.13 of S.L. 2009-451, the Committee on  
3 Dropout Prevention shall provide grants of one million dollars (\$1,000,000) each to the  
4 following three evidence-based operators of dropout prevention initiatives:

5 (1) Communities in Schools, Inc., to expand service to existing local programs,  
6 enable establishment of new local CIS programs, and, as matching or  
7 sustaining funds become available, support the placement of graduation  
8 coaches or creation of new Performance Learning Centers (PLCs).

9 (2) North Carolina Congress of Parents and Teachers, Incorporated, to  
10 implement the PTA Parental Involvement Initiative in additional school  
11 sites.

12 (3) One other recipient selected by the Committee.

13 **SECTION #.(b)** The Committee on Dropout Prevention shall identify a minimum  
14 of three recipients of Dropout Prevention Grants that the Committee feels show promise as  
15 statewide models for dropout prevention interventions. The Committee on Dropout Prevention  
16 shall report its selected grantees and the reasons why they were chosen to the Joint Legislative  
17 Education Oversight Committee by March 15, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H5-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

- 1 ***UNIFORM EDUCATION REPORTING SYSTEM (UERS) FUNDS***
- 2 **SECTION #.(a)** Funds appropriated for the Uniform Education Reporting System
- 3 shall not revert at the end of the 2009-2010 fiscal year.
- 4 **SECTION #.(b)** This act becomes effective June 30, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H6A

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *COOPERATIVE AND INNOVATIVE HIGH SCHOOLS*

2 **SECTION #.(a)** G.S. 115C-238.50(e) reads as rewritten:

3 "(e) Cooperative innovative high school programs may include the creation of a school  
4 within a school, a technical high school, ~~or~~ a high school or technical center located on the  
5 campus of a college or ~~university~~. university, or a five-year career academy operating as part of  
6 an existing high school."

7 **SECTION #.(b)** G.S. 115C-238.54 reads as rewritten:

8 "**§ 115C-238.54. Funds for programs.**

9 (a) The Department of Public Instruction shall assign a school code for each program  
10 that is approved under this ~~Part~~. Part, with the exception of a five-year career academy  
11 operating as part of an existing high school, which shall continue to use the existing school  
12 code. All positions and other State and federal allotments that are generated for this program  
13 shall be assigned to that school code. Notwithstanding G.S. 115C-105.25, once funds are  
14 assigned to that school code, the local board of education may use these funds for the program  
15 and may transfer these funds between funding allotment categories.

16 (a1) A five-year career academy operating as part of an existing high school shall  
17 maintain records to identify and evaluate students enrolled in the five-year career academy  
18 program distinct from the general school population.

19 ...."

20 **SECTION #.(c)** The Department of Public Instruction shall study the fiscal  
21 impacts of the Cooperative and Innovative High School Act (Part 9 of Article 16 of Chapter  
22 115C of the General Statutes). The Department shall report the results of its study to the Joint  
23 Legislative Education Oversight Committee and the Fiscal Research Division by March 15,  
24 2011. The report shall include historical data on the number of new schools created each fiscal  
25 year attributable to the Cooperative and Innovative High School Act (Part 9 of Article 16 of  
26 Chapter 115C of the General Statutes).

27 **SECTION #.(d)** The State Board of Education shall not approve any additional  
28 schools under the Cooperative and Innovative High School Act (Part 9 of Article 16 of Chapter  
29 115C of the General Statutes). that are to begin operation after July 1, 2010, unless the school  
30 has received an explicit appropriation for the General Assembly.

31 **SECTION #.(e)** Subsections (a) and (b) of this section are effective when this act  
32 becomes law and apply beginning with the 2010-2011 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H7-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***ELIMINATION OF CERTAIN REPORTS***

2 **SECTION #.(a)** G.S. 115C-301(g) reads as rewritten:

3 "(g) Waivers and Allotment Adjustments. – Local boards of education shall report  
4 exceptions to the State Board of Education as provided in G.S. 115C-47(10), and shall request  
5 allotment adjustments or waivers from the standards set out above. Within 45 days of receipt of  
6 reports, the State Board of Education, within funds available, may allot additional positions or  
7 grant waivers for the excess class size or daily load.

8 (1) If the exception resulted from (i) exceptional circumstances, emergencies, or  
9 acts of God, (ii) large changes in student population, (iii) organizational  
10 problems caused by remote geographic location, or (iv) classes organized for  
11 a solitary curricular area, and

12 (2) If the local board cannot organizationally correct the exception.

13 ~~All allotment adjustments and waivers submitted under this provision shall be reported to~~  
14 ~~the Director of the Budget and to the General Assembly by May 15 of each year."~~

15 **SECTION #.(b)** Sections 4 through 6 of S.L. 2007-453 are repealed.

16 **SECTION #.(c)** Section 7.60 of S.L. 2005-276 is repealed.

17 **SECTION #.(d)** Section 7.61(b) of S.L. 2005-276 reads as rewritten:

18 **"SECTION 7.61.(b)** To remain eligible for funds appropriated for the At-Risk/Alternative  
19 Schools allotment and the Improving Student Accountability allotment, local school  
20 administrative units must submit a report to the State Board of Education by October 31 of each  
21 year detailing the expenditure of the funds and the impact of these funds on student  
22 achievement. ~~The State Board of Education shall report this information annually by October~~  
23 ~~31 to the Office of State Budget and Management, the Joint Legislative Education Oversight~~  
24 ~~Committee, and the Fiscal Research Division."~~

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H8-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***DISADVANTAGED STUDENTS SUPPLEMENTAL FUNDING***

2           **SECTION #.** In determining whether to approve a local school administrative  
3 unit's plan for the expenditure of funds allocated to it for disadvantaged student supplemental  
4 funding, the State Board of Education shall take into consideration the extent to which the local  
5 school administrative unit's policies or expenditures contribute to increased segregation of  
6 schools on the basis of race or socioeconomic status.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H24

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***COMMUNITY COLLEGE COURSES FOR HIGH SCHOOL STUDENTS***

2 **SECTION #.(a)** It is the intent of the General Assembly to implement a funding  
3 formula in the 2011-2012 school year that will provide money to local school administrative  
4 units for the purpose of paying the tuition of high school students taking community college  
5 courses for which tuition is required.

6 **SECTION #.(b)** It is the intent of the General Assembly to eliminate the tuition  
7 waiver for courses taken by high school students at community colleges set forth in G.S. 115D-  
8 5(b) effective July 1, 2011, except for the waiver that applies to students in early college and  
9 middle college high school programs. Tuition shall continue to be waived for students in early  
10 college and middle college high school programs.

11 **SECTION #.(c)** For the 2011-2012 school year, the North Carolina Community  
12 College System budget shall be reduced by an amount calculated by multiplying the number of  
13 FTE high school students for whom tuition is required by the per capita budgeted receipts for  
14 community college curriculum instruction. This amount of funds shall be transferred to the  
15 State Board of Education for distribution to the local school administrative units.

16 **SECTION #.(d)** For the 2011-2012 school year, the State Public School Fund shall  
17 be reduced by an amount calculated by (i) subtracting the per capita budgeted receipts for  
18 community college curriculum instruction from the in-State tuition amount per FTE and (ii)  
19 multiplying the result by the number of FTE high school students for whom tuition is required.  
20 This amount of funds shall be available to the State Board of Education for distribution to the  
21 local school administrative units.

22 The State Board of Education shall ensure that appropriate and reliable data is  
23 corrected in order to implement this section.

24 **SECTION #.(e)** The amounts transferred to the State Board of Education under  
25 subsections (c) and (d) of this section shall be distributed to local school administrative units  
26 based on the pro rata share of each local school administrative unit's number of FTE high  
27 school students for whom tuition is required.

28 **SECTION #.(f)** The amounts allocated to local school administrative units under  
29 section shall not be transferred to other uses and shall only be available for paying the tuition of  
30 high school students taking community college courses for which tuition is required.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DPI-H25-P

Department of Public Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *ENVIRONMENTAL ENGINEER/SUPPORT SERVICES DIVISION*

2       **SECTION #.** The State Board of Education may use up to two hundred thousand  
3 dollars (\$200,000) of funds available to provide an environmental engineer in the Department  
4 of Public Instruction, Support Services Division, to address increasing environmental concerns  
5 in the public schools of North Carolina.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DOCC-H1(S8.1)i

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***CARRYFORWARD OF COLLEGE INFORMATION SYSTEM FUNDS***

2       **SECTION 8.1.(a)** Of the funds appropriated to the Community Colleges System  
3 Office for the 2009-2011 fiscal biennium for the College Information System, up to one million  
4 two hundred fifty thousand dollars (\$1,250,000) shall not revert at the end of each fiscal year  
5 but shall remain available until expended. These funds may only be used to purchase periodic  
6 system upgrades.

7       **SECTION 8.1.(b)** This section becomes effective June 30, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DOCC-H2(S8.2)i

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 *STATE AID BUDGET FLEXIBILITY*

2 **SECTION 8.2.** G.S. 115D-31 is amended by adding a new subsection to read:

3 "(b1) A local community college may use all State funds allocated to it, except for  
4 Literacy funds and Customized Training funds, for any authorized purpose that is consistent  
5 with the college's Institutional Effectiveness Plan. Each local community college shall include  
6 in its Institutional Effectiveness Plan a section on how funding flexibility allows the college to  
7 meet the demands of the local community and to maintain a presence in all previously funded  
8 categorical programs."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DOCC-H3(S8.3)-P

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 **EDUCATION FOR PRISON INMATES**

2 **SECTION 8.3.(a)** Funds appropriated for community college courses for prison  
3 inmates shall be used only for inmates in State prisons. The first priority for the use of these  
4 funds shall be to restore the FTE for basic skills courses to the FY 2008-2009 level. Funds not  
5 needed for this purpose may be used for continuing education and curriculum courses related to  
6 job skills training. These funds shall not be used for Associate of Arts, Associate of Science, or  
7 Associate of General Education degrees.

8 **SECTION 8.3.(b)** Courses in federal prisons or local jails shall not earn regular  
9 budget full-time equivalents, but may be offered on a self-supporting basis.

10 **SECTION 8.3.(c)** The Department of Correction and the Community Colleges  
11 System Office shall report to the 2011 General Assembly on:

12 (1) The implementation of the new funding structure and requirements.

13 (2) Strategies for implementing their recommendations to:

14 a. Enhance measurable goals, objectives, and outcomes.

15 b. Enhance and standardize data collection.

16 c. Strengthen the continuum of programming from entry to exit, based  
17 on assessment of skills and needs.

18 d. Give individuals the opportunity to use specific skills through work  
19 assignments that meet system needs.

20 e. Tailor programs to specific inmate needs.

21 f. Increase Cognitive Behavioral Interventions (CBI) courses.

22 g. Develop an offender-specific human resources development course.

23 h. Explore additional funding sources.

24 i. Explore federal grant for wiring courses.

25 (3) Strategies for reasonably limiting the number of courses an individual takes  
26 while in prison.

27 **SECTION 8.4.(c)** G.S. 115D-5(c) reads as rewritten:

28 "(c) No course of instruction shall be offered by any community college at State expense  
29 or partial State expense to any captive or co-opted group of students, as defined by the State  
30 Board of Community Colleges, without prior approval of the State Board of Community  
31 Colleges. All course offerings approved for State prison inmates must be tied to clearly  
32 identified job skills, transition needs, or both. Approval by the State Board of Community  
33 Colleges shall be presumed to constitute approval of both the course and the group served by  
34 that institution. The State Board of Community Colleges may delegate to the President the  
35 power to make an initial approval, with final approval to be made by the State Board of  
36 Community Colleges. A course taught without such approval will not yield any full-time  
37 equivalent students, as defined by the State Board of Community Colleges."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DOCC-H4A(S8.4)-P

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 **TUITION WAIVERS**

2 **SECTION 8.4.(a)** G.S. 115D-5(b) reads as rewritten:

3 "(b) In order to make instruction as accessible as possible to all citizens, the teaching of  
4 curricular courses and of noncurricular extension courses at convenient locations away from  
5 institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata  
6 portion of the established regular tuition rate charged a full-time student shall be charged a  
7 part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of  
8 Community Colleges shall establish a uniform registration fee, or a schedule of uniform  
9 registration fees, to be charged students enrolling in extension courses for which instruction is  
10 financed primarily from State funds; provided, however, that the funds. The State Board of  
11 Community Colleges may provide by general and uniform regulations for waiver of tuition and  
12 registration fees for persons for:

- 13 (1) Persons not enrolled in elementary or secondary schools taking courses  
14 leading to a high school diploma or equivalent ~~certificate, for training~~  
15 ~~certificate;~~  
16 (2) Training courses for (i) volunteer firemen, (ii) local fire department  
17 personnel, (iii) volunteer rescue and lifesaving department personnel, (iv)  
18 local rescue and lifesaving department personnel, (v) Radio Emergency  
19 Associated Citizens Team (REACT) members when the REACT team is  
20 under contract to a county as an emergency response agency, ~~local~~ (vi)  
21 municipal, county, or State law-enforcement officers, (vii) inpatients in State  
22 alcoholic rehabilitation centers, (viii) all full-time custodial employees of the  
23 Department of Correction, and (ix) employees of the Department's Division  
24 of Community Corrections and employees of the Department of Juvenile  
25 Justice and Delinquency Prevention required to be certified under Chapter  
26 17C of the General Statutes and the rules of the Criminal Justice and  
27 Training Standards Commission, Commission;  
28 (3) Patients in State alcoholic rehabilitation centers; trainees  
29 (4) Trainees enrolled in courses conducted under the ~~New and Expanding~~  
30 ~~Industry Program, clients~~ Customized Training Program;  
31 (5) Clients of sheltered ~~workshops, clients~~ workshops;  
32 (6) Clients of adult developmental activity ~~programs, students~~ programs;  
33 (7) Students in Health and Human Services Development ~~Programs,~~  
34 ~~juveniles~~ Programs;  
35 (8) Juveniles of any age committed to the Department of Juvenile Justice and  
36 Delinquency Prevention by a court of competent ~~jurisdiction,~~  
37 ~~members~~ jurisdiction;

- 1           (9) Members of the North Carolina State Defense Militia as defined in  
2           G.S. 127A-5 and as administered under Article 5 of Chapter 127A of the  
3           General ~~Statutes, and elementary Statutes;~~  
4           (10) Elementary and secondary school employees enrolled in courses in first aid  
5           or cardiopulmonary resuscitation ~~(CPR). Provided further, tuition shall be~~  
6           ~~waived for up (CPR);~~  
7           (11) Up to six hours of credit instruction and ~~96 contact hours one course~~ of  
8           noncredit instruction per academic semester for senior citizens age 65 or  
9           older who are qualified as legal residents of North ~~Carolina. Provided~~  
10          ~~further, tuition shall also be waived for all~~ Carolina;  
11          (12) All curriculum courses taken by high school students at community colleges,  
12          including students in early college and middle college high school programs,  
13          in accordance with G.S. 115D-20(4) and this ~~section.~~ section;  
14          (13) Human resources development courses for any individual who (i) is  
15          unemployed; (ii) has received notification of a pending layoff; (iii) is  
16          working and is eligible for the Federal Earned Income Tax Credit (FEITC);  
17          or (iv) is working and earning wages at or below two hundred percent  
18          (200%) of the federal poverty guidelines; and  
19          (14) Prison inmates."

20          **SECTION 8.4.(b)** G.S. 115D-39 is amended by adding a new subsection to read:

21          "(a1) In addition, any federal law enforcement officer whose permanent duty station is  
22          within North Carolina shall also be eligible for the State resident community college tuition rate  
23          for law enforcement training courses."

24          **SECTION 8.4.(c)** The Community Colleges System Office shall report to the 2011  
25          General Assembly on the number and cost of courses taken by State law enforcement officers  
26          and of courses taken by local law enforcement officers.

27          **SECTION 8.4.(d)** The Fiscal Research Division, in consultation with the  
28          Community Colleges System Office, shall make a comprehensive study of the currently  
29          authorized tuition waivers and shall report to the 2011 General Assembly on waivers that  
30          should be modified or abolished because they are not being used or for other reasons.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DOCC-H5(S8.5)

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 **COMMUNITY COLLEGE FINANCIAL AID LOANS**

2 **SECTION 8.5.(a)** The State Board of Community Colleges shall permanently  
3 realign its funding formula by increasing the amount allocated in the funding formula for  
4 students' services by fifty million dollars (\$50,000,000) and by reducing the amount in the  
5 funding formula for curriculum and continuing education instruction by a commensurate  
6 amount. The revised formula shall ensure that community colleges have the adequate funds  
7 and resources necessary to administer and provide financial aid services to students.

8 **SECTION 8.5.(b)** G.S. 115D-40.1 reads as rewritten:

9 **"§ 115D-40.1. Financial Assistance for Community College Students.**

10 (a) Need-Based Assistance Program. – It is the intent of the General Assembly that the  
11 Community College System make these financial aid funds available to the neediest students  
12 who are not eligible for other financial aid programs that fully cover the required educational  
13 expenses of these students. The State Board may use some of these funds as short-term loans to  
14 students who anticipate receiving the federal HOPE or Lifetime Learning Tax Credits.

15 (b) Targeted Assistance. – Notwithstanding subsection (a) of this section, the State  
16 Board may allocate no more than ten percent (10%) of the funds appropriated for Financial  
17 Assistance for Community College Students to:

- 18 (1) Students who do not qualify for need-based assistance but who enroll in  
19 low-enrollment programs that prepare students for high-demand  
20 occupations, and  
21 (2) Students with disabilities who have been referred by the Division of  
22 Vocational Rehabilitation and are enrolled in a community college.

23 (c) Administration of Program. – The State Board shall adopt rules and policies for the  
24 disbursement of the financial assistance provided in subsections (a) and (b) of this section.  
25 Degree, diploma, and certificate students must complete a Free Application for Federal Student  
26 Aid (FAFSA) to be eligible for financial assistance. The State Board may contract with the  
27 State Education Assistance Authority for administration of these financial assistance funds.  
28 These funds shall not revert at the end of each fiscal year but shall remain available until  
29 expended for need-based financial assistance. The

30 ~~The State Board shall ensure that at least one counselor is available at each college to~~  
31 ~~inform students about federal programs and funds available to assist community college~~  
32 ~~students including, but not limited to, Pell Grants and HOPE and Lifetime Learning Tax~~  
33 ~~Credits and to actively encourage students to utilize these federal programs and funds. The~~  
34 ~~interest earned on the funds provided in subsections (a) and (b) of this section may be used to~~  
35 ~~support the costs of administering the Community College Grant Program.~~

36 (d) Participation in Federal Loan Programs. – All community colleges shall participate  
37 in the William D. Ford Federal Direct Loan Program. The State Board shall ensure that at least  
38 one counselor is available at each college to inform students about federal programs and funds

1 available to assist community college students, including, but not limited to, Pell Grants, HOPE  
2 and Lifetime Learning Tax Credits, and the William D. Ford Federal Direct Loan Program, and  
3 to actively encourage students to utilize these federal programs and funds."  
4           **SECTION 8.5.(c)** Subsection (b) of this section becomes effective July 1, 2011,  
5 and expires July 1, 2012. The remainder of this section becomes effective July 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-DOCC-H6(S8.6)i

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 *TUITION REFUNDS*

2 **SECTION 8.6.(a)** A refund of community college tuition shall not be made except  
3 under the following circumstances:

- 4 (1) A one hundred percent (100%) refund shall be made if the student officially  
5 withdraws prior to the first day of class of the academic semester or term as  
6 noted in the college calendar. Also, a student is eligible for a 100 percent  
7 refund if the class in which the student is officially registered is cancelled  
8 due to insufficient enrollment.
- 9 (2) A seventy-five percent (75%) refund shall be made if the student officially  
10 withdraws from the class prior to or on the official ten percent (10%) point  
11 of the semester.
- 12 (3) For classes beginning at times other than the first week (seven calendar  
13 days) of a semester a one hundred percent (100%) refund shall be made if  
14 the student officially withdraws from the class prior to the first class  
15 meeting. A seventy-five percent (75%) refund shall be made if the student  
16 officially withdraws from the class prior to or on the ten percent (10%) point  
17 of the class.
- 18 (4) A one hundred percent (100%) refund shall be made if the student officially  
19 withdraws from a contact hour class prior to the first day of class of the  
20 academic semester or term or if the college cancels the class. A seventy-five  
21 percent (75%) shall be made if the student officially withdraws from a  
22 contact hour class on or before the tenth calendar day of the class.

23 **SECTION 8.6.(b)** To comply with applicable federal regulations regarding  
24 refunds, federal regulations supersede the provisions of this section.

25 **SECTION 8.6.(c)** Where a student, having paid the required tuition for a semester,  
26 dies during that semester (prior to or on the last day of examinations of the college the student  
27 was attending), all tuition and fees for that semester may be refunded to the estate of the  
28 deceased.

29 **SECTION 8.6.(d)** Community colleges shall adopt local refund policies for classes  
30 for which they collect receipts which are not required to be deposited into the State Treasury  
31 account.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DOCC-H8(S8.7)i

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 *MANAGEMENT FLEXIBILITY REDUCTION/COMMUNITY COLLEGES*

2 **SECTION 8.7.** Section 8.24 of S.L. 2009-451 reads as rewritten:

3 "SECTION 8.24. The management flexibility reduction for the North Carolina Community  
4 College System shall be allocated by the State Board of Community Colleges in a manner that  
5 accounts for the unique needs of each college and provides for the equitable distribution of  
6 funds to the institutions consistent with G.S. 115D-5(a). Before taking reductions to  
7 instructional budgets, the community colleges shall consider reducing budgets for senior and  
8 middle management personnel and for programs that have both low-enrollment and  
9 low-postgraduate success. Colleges shall minimize the impact on student support services and  
10 on the retraining of dislocated workers. Colleges shall not reduce funding for the Small  
11 Business Centers. The community colleges shall also review their institutional funds to  
12 determine whether there are monies available in those funds that can be used to assist with  
13 operating costs before taking reductions in instructional budgets."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DOCC-H9A-P

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 *CATAWBA VALLEY COMMUNITY COLLEGE MANUFACTURING SOLUTIONS*  
2 *CENTER*

3 SECTION #.(a) G.S. 115D-67.2(b)(7) reads as rewritten:

4 "(7) The Director of the ~~Hosiery Technology Center~~Manufacturing Solutions  
5 Center at Catawba Valley Community College who shall serve ex officio as  
6 a nonvoting member."

7 SECTION #.(b) Notwithstanding any other provision of law, all fees collected by  
8 the Manufacturing Solutions Center of Catawba Valley Community College for the testing of  
9 products shall be retained by the Center and used for the operations of the Center. Purchases  
10 made by the Center using these funds are not subject to the provisions of Article 3 of Chapter  
11 143 of the General Statutes.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DOCC-H10-P

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 **COMMUNITY COLLEGE EQUIPMENT FUNDS**

2           **SECTION #.** Of the expansion funds appropriated for the 2010-2011 fiscal year for  
3 community college equipment, up to two hundred fifty thousand dollars (\$250,000) may be  
4 used for virtual 3-D equipment.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-DOCC-H11-P

North Carolina Community Colleges Systems Office  
Appropriations Subcommittee on Education

Requested by: Representative

1 **BASIC SKILLS PLUS**

2 **SECTION #.** Section 8.2 of S.L. 2009-451 reads as rewritten:

3 "~~SECTION 8.2.~~**SECTION 8.2.(a)** Notwithstanding any other provision of law, a local  
4 community college may use up to five percent (5%) of the Literacy Funds allocated to it by the  
5 State Board of Community Colleges to procure instructional technology for literacy labs. This  
6 technology may include computers, instructional software and software licenses, scanners for  
7 testing, and classroom projection equipment. The State Board may also authorize a local  
8 community college to use up to twenty percent (20%) of the State Literacy Funds allocated to it  
9 to provide employability skills, job-specific occupational and technical skills, and  
10 developmental education instruction to students concurrently enrolled in a community college  
11 course leading to a high school diploma or equivalent certificate.

12 "**SECTION 8.2.(b)** Notwithstanding any other provision of law, if a community college  
13 provides employability skills, job-specific occupational or technical skills, or developmental  
14 education instruction, to students concurrently enrolled in a community college course leading  
15 to a high school diploma or equivalent certificate, the college may waive the tuition and  
16 registration fees associated with this instruction."

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT  
SPECIAL PROVISION



2010-UNC-H2

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *ECU/REVERT BALANCE OF MAGNETIC RESONANCE IMAGING (MRI) LEASE &*  
2 *EQUIPMENT FUNDS*

3 SECTION #. Funds received by the East Carolina University School of Medicine  
4 (now Brody School of Medicine) from Pitt County Memorial Hospital for the lease of the  
5 Magnetic Resonance Imaging (MRI) building and equipment shall revert to the General Fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT  
SPECIAL PROVISION



2010-UNC-H3

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *PROJECTION OF UNC ENROLLMENT GROWTH/SECOND YEAR OF*  
2 *BIENNIUM/LIMIT FUTURE APPROPRIATIONS FOR ENROLLMENT GROWTH*

3 SECTION #.(a) G.S. 116-30.7 reads as rewritten:

4 "§ 116-30.7. Biennial projection of enrollment growth for The University of North  
5 Carolina.

6 By October 15 of each even-numbered year, the General Administration of The University  
7 of North Carolina shall provide to the Joint Education Legislative Oversight Committee and to  
8 the Office of State Budget and Management a projection of the total student enrollment in The  
9 University of North Carolina that is anticipated for the next biennium. The enrollment  
10 projection shall be divided into the following categories and shall include the projected growth  
11 for each year of the biennium in each category at each of the constituent institutions:  
12 undergraduate students, graduate students (students earning master's and doctoral degrees), first  
13 professional students, and any other categories deemed appropriate by General Administration.  
14 The projection shall also distinguish between on-campus and distance education students. The  
15 projections shall be considered by the Director of the Budget when determining the amount the  
16 Director proposes to fund as the continuation requirement for the enrollment increase in the  
17 university system pursuant to G.S. 143C-3-5(b). The amount of the funds budgeted for  
18 enrollment growth for the biennium shall not be increased in the second year of the biennium."

19 SECTION #.(b) The General Assembly intends to appropriate funds for a  
20 maximum of one percent growth in student credit hours in the 2011-2012 fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-UNC-H4

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *UNC BANNER SYSTEM/ASU HEALTH SCIENCES*

2 **SECTION #.(a)** Of the funds appropriated to the Board of Governors of The  
3 University of North Carolina for a "Strategic Initiatives Reserve", for the 2010-2011 fiscal year,  
4 the sum of six hundred seventy-five thousand dollars (\$675,000) of the reserve shall be used to  
5 complete the Central Banner Payroll project and the Banner Hosting project. The Central  
6 Banner Payroll project serves nine constituent institutions. The Banner Hosting Project serves  
7 three constituent institutions.

8 **SECTION #.(b)** Of the funds appropriated to the Board of Governors of The  
9 University of North Carolina for a "Strategic Initiatives Reserve", for the 2010-2011 fiscal year,  
10 the sum of two hundred fifty thousand dollars (\$250,000) of the reserve shall be used to fund  
11 the operating and staffing needs of the newly established College of Health Sciences and Allied  
12 Professions at Appalachian State University.

13 **SECTION #.(c)** By February 1, 2011, the President of The University of North  
14 Carolina shall report to the the House of Representatives Appropriations Subcommittee on  
15 Education and the Senate Appropriations Committee on Education/Higher Education  
16 regarding: (i) the progress in completing the installation and implementation of the Central  
17 Banner Payroll project and the Banner Hosting Project, and (ii) the use of the funds for the  
18 operating and staffing needs of the College of Health Sciences and Allied Professions at  
19 Appalachian State University.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT  
SPECIAL PROVISION



2010-UNC-H5

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND LIMITED TO*  
2 *FOCUSED GROWTH AND SPECIAL NEEDS INSTITUTIONS*

3 SECTION #.(a) G.S. 116-41.13 reads as rewritten:

4 "**§ 116-41.13. Distinguished Professors Endowment Trust Fund; purpose.**

5 The General Assembly of North Carolina recognizes that the public university system  
6 would be greatly strengthened by the addition of distinguished scholars. It further recognizes  
7 that private as well as State support is preferred in helping to obtain distinguished scholars for  
8 the State universities and that private support will help strengthen the commitment of citizens  
9 and organizations in promoting excellence throughout all State universities. It is the intent of  
10 the General Assembly to establish a trust fund to provide the opportunity to each State  
11 university that is a focused growth institution or a special needs institution to receive and match  
12 challenge grants to create endowments for selected distinguished professors to occupy chairs  
13 within the university. The associated foundations that serve the universities shall solicit and  
14 receive gifts from private sources to provide for matching funds to the trust fund challenge  
15 grants for the establishment of endowments for chairs within universities."

16 SECTION #.(b) G.S. 116-41.14 reads as rewritten:

17 "**§ 116-41.14. Distinguished Professors Endowment Trust Fund; establishment;**  
18 **maintenance.**

19 (a) There is established a Distinguished Professors Endowment Trust Fund to be  
20 maintained by the Board to provide challenge grants to the constituent ~~institutions.~~ institutions  
21 that are focused growth or special needs institutions.

22 (b) All appropriated funds deposited into the trust fund shall be invested pursuant to  
23 G.S. 116-36. Interest income accruing to that portion of the trust fund not matched shall  
24 increase the total funds available for challenge grants."

25 SECTION #.(c) G.S. 116-41.15 reads as rewritten:

26 "**§ 116-41.15. Distinguished Professors Endowment Trust Fund; allocation;**  
27 **administration.**

28 (a) ~~For constituent institutions other than focused growth institutions and special needs~~  
29 ~~institutions, the amount appropriated to the trust shall be allocated by the Board as follows:~~

30 (1) ~~On the basis of one three hundred thirty four thousand dollar (\$334,000)~~  
31 ~~challenge grant for each six hundred sixty six thousand dollars (\$666,000)~~  
32 ~~raised from private sources; or~~

33 (2) ~~On the basis of one one hundred sixty seven thousand dollar (\$167,000)~~  
34 ~~challenge grant for each three hundred thirty three thousand dollars~~  
35 ~~(\$333,000) raised from private sources; or~~

36 (3) ~~On the basis of one challenge grant of up to six hundred sixty seven~~  
37 ~~thousand dollars (\$667,000) for funds raised from private sources in twice~~  
38 ~~the amount of the challenge grant.~~

1 ~~If an institution chooses to pursue the use of the allocated challenge grant funds described~~  
2 ~~in either subdivision (1), subdivision (2), or subdivision (3) of this subsection, the challenge~~  
3 ~~grant funds shall be matched by funds from private sources on the basis of two dollars of~~  
4 ~~private funds for every one dollar of State funds.~~

5 (b) For focused growth institutions and special needs institutions, the amount  
6 appropriated to the trust shall be allocated by the Board as follows:

- 7 (1) On the basis of one five hundred thousand dollar (\$500,000) challenge grant  
8 for each five hundred thousand dollars (\$500,000) raised from private  
9 sources; or
- 10 (2) On the basis of one two hundred fifty thousand dollar (\$250,000) challenge  
11 grant for each two hundred fifty thousand dollars (\$250,000) raised from  
12 private sources; or
- 13 (3) On the basis of one challenge grant of up to one million dollars (\$1,000,000)  
14 for funds raised from private sources in the same amount as the challenge  
15 grant.

16 If an institution chooses to pursue the use of the allocated challenge grant funds described  
17 in either subdivision (1), subdivision (2), or subdivision (3) of this subsection, the challenge  
18 grant funds shall be matched by funds from private sources on the basis of one dollar of private  
19 funds for every dollar of State funds.

20 (c) Matching funds shall come from contributions made after July 1, 1985, and pledged  
21 for the purposes specified by G.S. 116-41.14. Each participating constituent institution's board  
22 of trustees shall establish its own Distinguished Professors Endowment Trust Fund, and shall  
23 maintain it pursuant to the provision of G.S. 116-36 to function as a depository for private  
24 contributions and for the State matching funds for the challenge grants. The State matching  
25 funds shall be transferred to the constituent institution's Endowment Fund upon notification that  
26 the institution has received and deposited the appropriate amount required by this section in its  
27 own Distinguished Professors Endowment Trust Fund. Only the net income from that account  
28 shall be expended in support of the distinguished professorship thereby created."

29 **SECTION #.(d)** G.S. 116-41.16 reads as rewritten:

30 "**§ 116-41.16. Distinguished Professors Endowment Trust Fund; contribution**  
31 **commitments.**

32 ~~(a) For constituent institutions other than focused growth institutions and special needs~~  
33 ~~institutions, contributions may also be eligible for matching if there is:~~

- 34 ~~(1) A commitment to make a donation of at least six hundred sixty-six thousand~~  
35 ~~dollars (\$666,000), as prescribed by G.S. 143C-4-5, and an initial payment~~  
36 ~~of one hundred eleven thousand dollars (\$111,000) to receive a grant~~  
37 ~~described in G.S. 116-41.15(a)(1); or~~
- 38 ~~(2) A commitment to make a donation of at least three hundred thirty-three~~  
39 ~~thousand dollars (\$333,000), as prescribed by G.S. 143C-4-5, and an initial~~  
40 ~~payment of fifty-five thousand five hundred dollars (\$55,500) to receive a~~  
41 ~~grant described in G.S. 116-41.15(a)(2); or~~
- 42 ~~(3) A commitment to make a donation in excess of six hundred sixty-six~~  
43 ~~thousand dollars (\$666,000), as prescribed by G.S. 143-31.4 [G.S.~~  
44 ~~143C-4-5], and an initial payment of one-sixth of the committed amount to~~  
45 ~~receive a grant described in G.S. 116-41.15(a)(3); and if the initial payment~~  
46 ~~is accompanied by a written pledge to provide the balance within five years~~  
47 ~~after the date of the initial payment. Each payment on the balance shall be no~~  
48 ~~less than the amount of the initial payment and shall be made on or before~~  
49 ~~the anniversary date of the initial payment. Pledged contributions may not be~~

1 ~~matched prior to the actual collection of the total funds. Once the income~~  
2 ~~from the institution's Distinguished Professors Endowment Trust Fund can~~  
3 ~~be effectively used pursuant to G.S. 116-41.17, the institution shall proceed~~  
4 ~~to implement plans for establishing an endowed chair.~~

5 (b) For focused growth institutions and special needs institutions, contributions may  
6 also be eligible for matching if there is:

- 7 (1) A commitment to make a donation of at least five hundred thousand dollars  
8 (\$500,000), as prescribed by G.S. 143C-4-5, and an initial payment of  
9 eighty-three thousand three hundred dollars (\$83,300) to receive a grant  
10 described in G.S. 116-41.5(b)(1); or
- 11 (2) A commitment to make a donation of at least two hundred fifty thousand  
12 dollars (\$250,000), as prescribed by G.S. 143C-4-5, and an initial payment  
13 of forty-one thousand six hundred dollars (\$41,600) to receive a grant  
14 described in G.S. 116-41.15(b)(2); or
- 15 (3) A commitment to make a donation in excess of five hundred thousand  
16 dollars (\$500,000), as prescribed by G.S. 143-31.4 [G.S. 143C-4-5], and an  
17 initial payment of one-sixth of the committed amount to receive a grant  
18 described in G.S. 116-41.15(b)(3);

19 and if the initial payment is accompanied by a written pledge to provide the balance within five  
20 years after the date of the initial payment. Each payment on the balance shall be no less than  
21 the amount of the initial payment. Pledged contributions may not be matched prior to the actual  
22 collection of the total funds. Once the income from the institution's Distinguished Professors  
23 Endowment Trust Fund can be effectively used pursuant to G.S. 116-41.17, the institution shall  
24 proceed to implement plans for establishing an endowed chair."

25 **SECTION #.(e)** G.S. 116-41.17 reads as rewritten:

26 "**§ 116-41.17. Distinguished Professors Endowment Trust Fund; establishment of chairs.**

27 When the sum of the challenge grant and matching funds in the Distinguished Professors  
28 Endowment Trust Fund reaches:

- 29 (1) One million dollars (\$1,000,000), if the sum of funds described in ~~G.S.~~  
30 ~~116-41.15(a)(1) or~~ G.S. 116-41.15(b)(1); or
- 31 (2) Five hundred thousand dollars (\$500,000), if the sum of funds described in  
32 ~~G.S. 116-41.15(a)(2) or~~ G.S. 116-41.15(b)(2); or
- 33 (3) An amount up to two million dollars (\$2,000,000), if the sum of funds  
34 described in ~~G.S. 116-41.15(a)(3) or~~ G.S. 116-41.15(b)(3);

35 the board of trustees may recommend to the Board, for its approval, the establishment of an  
36 endowed chair or chairs. The Board, in considering whether to approve the recommendation,  
37 shall include in its consideration the programs already existing in The University of North  
38 Carolina. If the Board approves the recommendation, the chair or chairs shall be established.  
39 The chair or chairs, the property of the constituent institution, may be named in honor of a  
40 donor, benefactor, or honoree of the institution, at the option of the board of trustees."

41 **SECTION #.(f)** This section does not affect any professorship endowment fund  
42 that was eligible for State matching funds under Part 4A of Article 1 of Chapter 116 of the  
43 General Statutes before July 1, 2010, but that had not received those funds due to a backlog;  
44 and those professorship endowment funds shall still be funded as if the statutes that would be  
45 applicable under Part 4A of Article 1 of Chapter 116 of the General Statutes had not been  
46 amended or repealed. However, on or after July 1, 2010, the only new endowment funds  
47 eligible for State matching funds from the Distinguished Professors Endowment Trust Fund  
48 established under G.S. 41.14 are those at focused growth institutions or special needs  
49 institutions as defined in G.S. 116-41.13A.



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SPECIAL PROVISION



2010-UNC-H6

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *NCSU/RESTORE MASTER GARDENER FUNDS*

2           **SECTION #.** Of the funds appropriated by this act to the Board of Governors of  
3 The University of North Carolina and allocated to North Carolina State University for the  
4 2010-2011 fiscal year the sum of forty-eight thousand eight hundred seventy-eight dollars  
5 (\$48,878) shall be restored to the master gardener account.

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SPECIAL PROVISION



2010-UNC-H7

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *ELIMINATE IN-STATE TUITION FOR ATHLETIC SCHOLARSHIPS*

2 **SECTION #.** G.S. 116-143.6(a) reads as rewritten:

3 "(a) Notwithstanding any other provision of law, if the Board of Trustees of a constituent  
4 institution of The University of North Carolina elects to do so, it may by resolution adopted  
5 consider as residents of North Carolina all persons who receive full ~~scholarships~~scholarships,  
6 unless the scholarship is for athletics, to the institution from entities recognized by the  
7 institution and attend the institution as undergraduate students. The aforesaid persons shall be  
8 considered residents of North Carolina for all purposes by The University of North Carolina."

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT  
SPECIAL PROVISION



2010-UNC-H9A

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *AMEND TUITION WAIVER*

2 SECTION #. G.S. 115B-2 reads as rewritten:

3 "§ 115B-2. Tuition waiver authorized.

4 (a) The constituent institutions of The University of North Carolina and the community  
5 colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for  
6 credit or noncredit purposes without the required payment of tuition:

7 (1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.

8 (2) Any person who is the survivor of a law enforcement officer, firefighter,  
9 volunteer firefighter, or rescue squad worker killed as a direct result of a  
10 traumatic injury sustained in the line of duty.

11 (3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or  
12 rescue squad worker who is permanently and totally disabled as a direct  
13 result of a traumatic injury sustained in the line of duty.

14 (4) Any child, if the child is at least 17 years old but not yet ~~23 years old~~, 24  
15 years old, whose parent is a law enforcement officer, firefighter, volunteer  
16 firefighter, or rescue squad worker who is permanently and totally disabled  
17 as a direct result of a traumatic injury sustained in the line of duty. However,  
18 a child's eligibility for a waiver of tuition under this Chapter shall not  
19 exceed: (i) ~~48 months~~, eight academic semesters if the child is seeking a  
20 baccalaureate degree, or (ii) if the child is not seeking a baccalaureate  
21 degree, the number of months required to complete the educational program  
22 to which the child is applying.

23 (5) Any child, if the child (i) is at least 17 years old but not yet ~~23 years old~~, 24  
24 years old, (ii) is a ward of North Carolina or was a ward of the State at the  
25 time the child reached the age of 18, (iii) is a resident of the State; and (iv) is  
26 eligible for services under the Chaffee Education and Training Vouchers  
27 Program; but the waiver shall only be to the extent that there is any tuition  
28 still payable after receipt of other financial aid received by the student.

29 (b) Persons eligible for the tuition waiver under subsection (a) of this section must meet  
30 admission and other standards considered appropriate by the educational institution. In  
31 addition, the constituent institutions of The University of North Carolina shall accept these  
32 persons only on a space available basis."

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2010-UNC-H10(S9.1)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

- 1 ***REPEAL ESCHEAT FUND APPROPRIATION FOR MILLENNIUM TEACHING***
- 2 ***SCHOLARSHIP LOAN PROGRAM***
- 3 **SECTION 9.1.** Section 9.1.(c) of S.L. 2009-451 is repealed.

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2010-UNC-H12(S9.2)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *STUDY FINANCIAL AID CONSOLIDATION*

2 **SECTION 9.2.(a)** The State Education Assistance Authority, The University of  
3 North Carolina, the North Carolina Community College System, and the Fiscal Research  
4 Division of the General Assembly shall establish a work group to study jointly the  
5 simplification and consolidation of State-funded financial aid for students. North Carolina  
6 Independent Colleges and Universities, Inc., shall also be included as a joint member of the  
7 work group if it chooses to participate in the study. The State Education Assistance Authority  
8 shall be the lead agency for the work group and study.

9 **SECTION 9.2.(b)** The purpose of the study is to develop recommendations and  
10 options for simplifying and consolidating the delivery of, administration of, and access to  
11 State-funded financial aid for students. In conducting the study, the work group shall consider  
12 the State's current student financial aid programs and how to consolidate those programs into  
13 two categories of State-funded student aid programs: one program that consolidates the State's  
14 major need-based programs and one program that consolidates many of the State's scholarship  
15 and forgivable loan programs currently available to students who plan to earn degrees and  
16 pursue careers in certain professional areas. More specifically the work group shall do the  
17 following:

- 18 (1) Design a unified need-based financial aid program that combines at a  
19 minimum the following three programs into a single need-based financial aid  
20 program: The University of North Carolina Need-Based Grant program, the  
21 North Carolina Community College Grant program, and the North Carolina  
22 Education Lottery Scholarship program established under Article 35A of  
23 Chapter 115C of the General Statutes. Currently each of these programs has  
24 its own award criteria, formulas, target populations, and funding sources  
25 (Escheat Fund, General Fund, and Lottery Funds). As part of its study, the  
26 work group shall determine what the appropriate parameters may be for such  
27 a unified program by using models that take into account income, expected  
28 family contribution, college expenses, type of college attended, and any  
29 other factors the work group deems relevant. In designing the program, the  
30 work group shall address the issue of proportionality of funding and shall  
31 take into account all of the following in its consideration of that issue: the  
32 proportionality of funding that currently exists among The University of  
33 North Carolina, the North Carolina Community College System, and the  
34 North Carolina private colleges and universities; funding sources;  
35 accounting for student enrollment change; monetary differences between  
36 certain categories of students and whether based on those monetary  
37 differences student financial aid should be based on cost of attendance or  
38 tuition and fees. The work group may also consider whether it is appropriate

1 to redefine "need" for purposes of student financial aid and to develop a  
2 common formula for the distribution of financial aid and the consequences  
3 of any proposed modifications if the decision is made to redefine "need" and  
4 develop a common formula. The program shall be designed to: (i) distribute  
5 funds in a manner that is consistent with legislative intent, but more easily  
6 understood by potential students, and (ii) retain the ability to track lottery  
7 funds.

- 8 (2) Design a "forgivable loans for service" program that combines at a minimum  
9 the following existing programs into one consolidated program that focuses  
10 on loans for services: the Nurse Educators of Tomorrow; Nurse Scholars  
11 Program; Nurse Education Scholarship Loan Program; Board of Governors  
12 Medical Scholarship Loans; Board of Governors Dental Scholarship Loans;  
13 Health, Science and Mathematics Student Loan Program; Prospective  
14 Teacher Scholarship Loan Program; and the Teacher Assistant Scholarship  
15 Program. This single consolidated program shall initially focus on two high  
16 area needs: teaching and health professions (including nursing, allied health  
17 and medical, dental, and pharmacy careers). In designing this program, the  
18 work group may consider the current allocation of funds among the various  
19 scholarship and forgivable loan programs, whether it would be appropriate  
20 to allow the reallocation and award of funds not distributed as forgivable  
21 loans in a specific service area to be awarded as forgivable loans in a  
22 different service area, and, if so, what procedure and methodology would be  
23 appropriate to trigger the reallocation of funds and provide for the  
24 distribution of those funds as awards in a different service area.

25 **SECTION 9.2.(c)** In addition to the considerations set out in subsection (b) of this  
26 section, the work group shall also consider all of the following:

- 27 (1) The time period required to phase out student loans from any of the  
28 programs affected by the program consolidation.  
29 (2) How federal funding may affect student financial aid services.  
30 (3) How to deal with current recipients of funds from programs affected by the  
31 consolidation.  
32 (4) How to deal with recipients who are paying back loans made through  
33 programs affected by the consolidation.  
34 (5) Whether the State Education Assistance Authority should be authorized to  
35 extend the repayment period for forgivable loans in hardship circumstances  
36 when a good faith effort has been made to repay the loan in a timely manner,  
37 and if so, what the appropriate procedure may be for making that  
38 determination and extending the repayment period.  
39 (6) Whether there are, and if so how to address, any significant abuses of the  
40 financial aid system, particularly by persons who intentionally apply for and  
41 receive financial aid but who intend to drop out of school after securing  
42 financial aid funds.  
43 (7) Any other issues the work group deems relevant to this study.

44 **SECTION 9.2.(d)** The work group shall present its proposed program designs and  
45 report its findings and recommendations to the Joint Select Committee on State Funded Student  
46 Financial Aid by October 1, 2010. In its report the work group shall also identify options that  
47 may vary from the proposed program designs but that are alternatives that the work group  
48 determines may also be workable and consistent with the legislative intent of this study. The

- 1 work group shall also include in the report any legislative changes that may be needed to
- 2 implement the program designs and work group recommendations.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-UNC-H13(S9.3)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *COORDINATE THE REPORT DUE DATES FOR VARIOUS TEACHER EDUCATION*  
2 *REPORTS*

3 SECTION 9.3.(a) G.S. 116-11 is amended by adding a new subdivision to read:

4 "(12d) The Board of Governors shall provide a comprehensive annual report on  
5 teacher education efforts at The University of North Carolina. The report  
6 shall include information about teacher education and recruitment, 2+2  
7 initiatives, distance education programs focused on teacher education, and  
8 professional development programs for teachers and school administrators.  
9 The teacher education report shall be due on April 15 of each year to the  
10 Joint Legislative Education Oversight Committee and the State Board of  
11 Education."

12 SECTION 9.3.(b) G.S. 116-74.21(c) reads as rewritten:

13 "(c) The Board of Governors shall study the issue of supply and demand of school  
14 administrators to determine the number of school administrators to be trained in the programs  
15 in each year of the biennium and report the results of this study to the Joint Legislative  
16 Education Oversight Committee no later than ~~March 1~~ April 15 annually."

17 SECTION 9.3.(c) Section 9.7(c) of S.L. 2008-107 reads as rewritten:

18 "SECTION 9.7.(c) The University of North Carolina and Community Colleges System  
19 Office shall report by ~~September 1, 2008, April 15, 2011,~~ and annually thereafter, to the Joint  
20 Legislative Education Oversight ~~Commission, Committee,~~ the State Board of Education, the  
21 Office of State Budget and Management, and the Fiscal Research Division of the General  
22 Assembly on the implementation of the UNC-NCCCS 2+2 E-Learning Initiative. This report  
23 shall include:

- 24 (1) The courses and programs within the 2+2 E-Learning Initiative;
- 25 (2) The total number of prospective teachers that have taken or are taking part in  
26 this initiative to date broken down by the current academic period and each  
27 of the previous academic periods since the program's inception;
- 28 (3) The total number of teachers currently in the State's classrooms, by local  
29 school administrative unit, who have taken part in this initiative;
- 30 (4) The change in the number of teachers available to schools since the  
31 program's inception;
- 32 (5) The qualitative data from students, teachers, local school administrative unit  
33 personnel, university personnel, and community college personnel as to the  
34 impact of this initiative on our State's teaching pool; and
- 35 (6) An explanation of the expenditures and collaborative programs between the  
36 North Carolina Community College System and The University of North  
37 Carolina, including recommendations for improvement."

38 SECTION 9.3.(d) Section 9.3(c) of S.L. 2005-276 reads as rewritten:

1 "SECTION 9.3.(c) These results shall be reported by ~~September 1, 2006,~~ April 15, 2011,  
2 and annually thereafter to the State Board of Education, the Board of Governors of The  
3 University of North Carolina, the State Board of Community Colleges, the Education Cabinet,  
4 the Joint Legislative Education Oversight ~~Commission,~~ Committee, and the Office of State  
5 Budget and Management."

6 **SECTION 9.3.(e)** Section 9.9 of S.L. 2002-126 reads as rewritten:

7 "**SECTION 9.9.** The Board of Governors of The University of North Carolina may allow  
8 Elizabeth City State University, the University of North Carolina at Pembroke, and Western  
9 Carolina University each to allocate up to one hundred seventy-eight thousand three hundred  
10 eighty dollars (\$178,380) of the funds allocated to them for focused enrollment growth for a  
11 maximum of 20 Prospective Teacher Scholars. These funds may be used to recruit new  
12 nonresident students to enter into agreements to: (i) pursue a full-time course of study that will  
13 lead to teacher certification in North Carolina and (ii) teach in a North Carolina public school  
14 or a school operated by the United States government in North Carolina for one year for each  
15 year that they receive this benefit. The Board of Governors shall establish guidelines and  
16 regulations for this pilot program, including methodology for determining its success in  
17 increasing the supply of qualified teachers for North Carolina public schools. The Board shall  
18 report its guidelines and regulations to guide these pilot programs to the Joint Legislative  
19 Education Oversight Committee by ~~November 15, 2002,~~ April 15, 2011. The Board shall report  
20 annually to the Committee on the progress of the pilot programs and their costs."

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SPECIAL PROVISION



2010-UNC-H14(S9.4)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *ELIMINATE BIENNIAL DISTANCE EDUCATION REPORTS*

2 **SECTION 9.4.** Section 11.7 of S.L. 1998-212 reads as rewritten:

3 "Section 11.7. This act provides funding to The University of North Carolina Board of  
4 Governors for degree-related courses provided away from the campus sites of the constituent  
5 institutions of The University of North Carolina. The intent of this commitment is to provide  
6 expanded opportunities for higher education to more North Carolina residents, including  
7 nontraditional students, and to increase the number of North Carolina residents who earn  
8 post-secondary degrees.

9 These funds shall be used for the provision of off-campus higher education programs,  
10 including the costs for the development or adaptation of programs for this purpose, and the  
11 funds may be used for the costs of providing space and services at the off-campus sites.

12 Prior to approving funding for off-campus programs in nursing, the Board shall consult  
13 with the central office of the Area Health Education Centers (AHEC) to obtain information  
14 about regional needs and priorities and to coordinate funding with AHEC efforts in nursing  
15 education.

16 The Board of Governors shall track these funds separately in order to provide data on the  
17 costs of providing these programs, including the different costs for various methods of delivery  
18 of educational programs. The Board of Governors shall provide for evaluation of these  
19 off-campus programs, including comparisons to the costs and quality of on-campus delivery of  
20 similar programs, as well as the impact on access to higher education and the educational  
21 attainment levels of North Carolina residents. ~~The Board shall provide a preliminary report to  
22 the General Assembly by May 1, 2000, and subsequent evaluations, including  
23 recommendations for changes, shall be made at least biennially to the Joint Legislative  
24 Education Oversight Committee."~~

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SPECIAL PROVISION



2010-UNC-H15(S9.5)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

- 1 ***REPEAL DUPLICATE STUDY/STATE-FUNDED STUDENT FINANCIAL AID***
- 2 **SECTION 9.5.** Section 9.24 of S.L. 2009-451 is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-UNC-H16(S9.6)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *PERMANENT TRANSFER OF FUNDING TO ROANOKE ISLAND COMMISSION FOR*  
2 *PERFORMING ARTS*

3 SECTION 9.6. Section 9.4 of S.L. 2009-451 reads as rewritten:

4 "SECTION 9.4. The General Assembly finds that in order to expand opportunities for  
5 students involved in the performing arts, existing funding for the Summer Institute on Roanoke  
6 Island should not be allocated to one specific University of North Carolina institution but  
7 instead be allocated directly to the Roanoke Island Commission, so that any interested  
8 University of North Carolina institution may have the opportunity to participate in summer arts  
9 enrichment and education programs. Therefore, of the funds appropriated by this act to the  
10 Board of Governors of The University of North Carolina and allocated to the Summer Institute  
11 of the University of North Carolina School of the Arts on Roanoke Island program for the  
12 2009-2011 fiscal biennium, the sum of four hundred sixty-one thousand six hundred forty-six  
13 dollars (\$461,646) shall be transferred for the 2009-2010 fiscal year to the Roanoke Island  
14 Commission, and the ~~sum of four hundred sixty-one thousand six hundred forty-six dollars~~  
15 ~~(\$461,646) shall be transferred for the 2010-2011 fiscal year to the Roanoke Island~~  
16 ~~Commission. recurring funds appropriated for the 2010-2011 fiscal year to the Board of~~  
17 ~~Governors of The University of North Carolina and allocated to the University of North~~  
18 ~~Carolina School of the Arts for the Summer Institute on Roanoke Island program shall be~~  
19 ~~permanently transferred to the Department of Cultural Resources and allocated to the Roanoke~~  
20 ~~Island Commission. The amount to be transferred shall be equal to the amount of the~~  
21 ~~appropriation remaining after all reductions, prior to and included in the act, are incorporated.~~  
22 The Roanoke Island Commission may use these funds to purchase equipment and to contract  
23 with any of the constituent institutions of The University of North Carolina System to provide  
24 music and drama students an education in a professional performing environment while  
25 providing a public service to the State. Any available funds may be used to contract with  
26 community-based or nonprofit performing arts groups or other performing arts groups  
27 supported with State or local funds to provide music and drama on Roanoke Island."

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2010-UNC-H17(S9.7)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 **REVIEW OF UNC SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS**  
2 **(STEM) PROGRAMS**

3 **SECTION 9.7.(a)** In order to assess the effectiveness of the science, technology,  
4 engineering, and mathematics (STEM) programs administered by The University of North  
5 Carolina, General Administration shall compile a comprehensive list of the programs within  
6 The University System whose primary objective is to provide community outreach in the form  
7 of either (i) teacher professional development programs to strengthen the quality of science or  
8 mathematics instruction in the public schools; or (ii) K-12 student enrichment programs in the  
9 areas of science, technology, engineering, or mathematics. The University of North Carolina  
10 General Administration shall submit the list of STEM programs compiled pursuant to this  
11 subsection to the Office of State Budget and Management and the Fiscal Research Division by  
12 February 15, 2011.

13 At a minimum, all of the following programs shall be included in the list:

- 14 (1) Pre-College and Teacher Professional Development programs administered  
15 through the North Carolina Mathematics and Science Education Network  
16 (NC-MSEN).  
17 (2) Summer Ventures Program.  
18 (3) North Carolina Central University Center for Science, Math and Technology  
19 Education.  
20 (4) Fayetteville State University CHEER Summer Bridges.  
21 (5) NCSTEM Community Collaborative.

22 **SECTION 9.7.(b)** The University of North Carolina General Administration shall  
23 conduct a review of each of the programs identified pursuant to subsection (a) of this section  
24 and shall report the results to the Office of State Budget and Management and the Fiscal  
25 Research Division no later than September 30, 2011, to assist with future funding decisions.  
26 The report shall contain the following information for each program:

- 27 (1) A description of the program mission, goals, and objectives.  
28 (2) The statutory objectives for the program if applicable.  
29 (3) Annual State appropriation and receipt funding for the program.  
30 (4) Program effectiveness measures for Teacher Professional Development  
31 programs to include at a minimum:  
32 a. A measure of teachers' classroom effectiveness in STEM areas  
33 before and after attending a university professional development  
34 program.  
35 b. A measure of math and science educators retained as a result of  
36 attending a UNC professional development program.  
37 (5) Program effectiveness measures for student enrichment programs to include  
38 at a minimum:

- 1 a. A measure of students' expected college and career aspirations before  
2 and after attending a STEM program.  
3 b. A measure of students' math and science performance on  
4 standardized tests before and after attending a STEM program.  
5 c. A measure of declared STEM majors within the UNC system who  
6 attended a UNC-sponsored STEM program.

7 **SECTION 9.7.(c)** In addition, the Department of Public Instruction shall survey  
8 math and science educators in North Carolina to identify the number of current math and  
9 science educators who attended a Pre-College or Summer Ventures program sponsored by The  
10 University of North Carolina before entering college. The survey may be conducted in  
11 cooperation with ongoing data collection efforts within The University of North Carolina  
12 System. The data shall be reported to the Office of State Budget and Management and the  
13 Fiscal Research Division by February 15, 2011.

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SPECIAL PROVISION



2010-UNC-H18(S9.8)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *TRANSFER OF A+ SCHOOLS FROM UNC-GREENSBORO TO DEPARTMENT OF*  
2 *CULTURAL RESOURCES*

3 **SECTION 9.8.** The A+ Schools program is transferred from the University of  
4 North Carolina at Greensboro to the North Carolina Arts Council in the Department of Cultural  
5 Resources, as if by a Type I transfer as defined in G.S. 143A-6, with all the elements of such a  
6 transfer. The program transfer shall include the sum of fifty-eight thousand six hundred  
7 thirty-eight dollars (\$58,638).

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SPECIAL PROVISION



2010-UNC-H19(S9.9)

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *COASTAL DEMONSTRATION WIND TURBINES*

2 **SECTION 9.9.** Section 9.14(a) of S.L. 2009-451 reads as rewritten:

3 "SECTION 9.14.(a) Of the funds received by the State and appropriated by United States  
4 Public Law 111-005, the American Recovery and Reinvestment Act of 2009, and appropriated  
5 in this act to the State Energy Office for the 2009-2010 fiscal year, the sum of three hundred  
6 thousand dollars (\$300,000) in nonrecurring funds shall be allocated to The University of North  
7 Carolina to continue the coastal sounds wind energy study set forth in Section 9.12 of S.L.  
8 2008-107. The University shall contract with a third party by October 1, 2009, to design,  
9 permit, procure, construct, establish, ~~operate, and reclaim as appropriate at the end of their~~  
10 economic life and operate up to three demonstration turbines and necessary support facilities in  
11 the sounds or off the coast of ~~North Carolina by September 1, 2010.~~ North Carolina. The  
12 contract shall provide for the reclamation and decommissioning of the project at the end of its  
13 economic life. The demonstration project shall commence operations as soon as practicable,  
14 and, in any event, no later than December 31, 2011.

15 Any contract entered into between The University and a third party pursuant to this section  
16 shall ensure that The University is provided appropriate access to the demonstration turbines  
17 and necessary support facilities for research purposes. The actual number and placement of the  
18 wind turbines and necessary support facilities shall be determined by the coastal sounds wind  
19 energy study in coordination with participating entities. The Director of the Budget shall ensure  
20 that any available federal funds are secured by the State to construct the demonstration turbines  
21 and necessary support facilities. The University may negotiate and execute any rights-of-way,  
22 easements, leases, and any other agreements necessary to construct, establish, and operate the  
23 demonstration turbines and supporting facilities, notwithstanding any other provisions of law  
24 governing such negotiation and execution of any rights-of-way, easements, leases, or other  
25 required agreements required for the facilities authorized under this section."

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SPECIAL PROVISION



2010-UNC-H22(S9.12)i

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *UNIVERSITY CANCER RESEARCH FUND*

2 SECTION 9.12. G.S. 116-29.1 reads as rewritten:

3 "§ 116-29.1. University Cancer Research Fund.

4 ...

5 (c) Cancer Research Fund Committee. – The Cancer Research Fund Committee shall  
6 consist of five ex officio members and two appointed members. The five ex officio members  
7 shall consist of the following: (i) one member shall be the ~~President of The University of North~~  
8 ~~Carolina, Chancellor of the University of North Carolina at Chapel Hill,~~ (ii) one member shall  
9 be the Director of the Lineberger Comprehensive Cancer Center, (iii) one member shall be the  
10 Dean of the School of Medicine at The University of North Carolina, (iv) one member shall be  
11 the Dean of the School of Pharmacy at The University of North Carolina, and (v) one member  
12 shall be the Dean of the School of Public Health at The University of North Carolina. The  
13 remaining two members shall be appointed by a majority vote of the standing members of the  
14 Committee and shall be selected from persons holding a leadership position in a nationally  
15 prominent cancer program.

16 If any of the specified positions cease to exist, then the successor position shall be deemed  
17 to be substituted in the place of the former one, and the person holding the successor position  
18 shall become an ex officio member of the Committee."

19 (d) Chair. – The chair shall be the ~~President of The University of North~~  
20 ~~Carolina, Chancellor of the University of North Carolina at Chapel Hill,~~

21 ...."

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2010-UNC-H25(S9.15)

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***RECRUITMENT OF PHARMACY STUDENTS***

2           **SECTION 9.15.** The University of North Carolina at Chapel Hill shall collaborate  
3 with the University of North Carolina at Asheville and Elizabeth City State University  
4 regarding the recruitment of students of pharmacy. The universities shall develop and institute a  
5 plan in which potential pharmacy students are informed of the pharmacy programs at each of  
6 the public universities in an effort to recruit those students to State schools.

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SPECIAL PROVISION



2010-UNC-H26

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *SUCCESS NC REPORT*

2       **SECTION #.** The Executive Director of UNC Tomorrow and the Executive Vice  
3 President of the North Carolina Community College System shall report to the Joint Legislative  
4 Education Oversight Committee by December 1, 2010, regarding the progress in implementing  
5 Success NC. Success NC is a program that represents a collaborative effort between The  
6 University of North Carolina and the North Carolina Community College System with the goal  
7 of increasing the number of North Carolinians with college degrees and workplace relevant  
8 credentials to prepare them for success in today's 21<sup>st</sup> century knowledge-based workforce.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2010-UNC-H27

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 ***APPALACHIAN STATE UNIVERSITY CENTER AT HICKORY***

2 **SECTION #.(a)** Section 8.25 of S.L. 2009-451 is repealed.

3 **SECTION #.(b)** Of the funds appropriated by this act to the Community Colleges  
4 System Office and allocated to the Hickory Metropolitan Higher Education Center for the  
5 2010-2011 fiscal year the sum of two hundred sixty-four thousand eight hundred thirty-three  
6 dollars (\$264,833) is transferred from the Community Colleges System Office to the Board of  
7 Governors of The University of North Carolina to be allocated to Appalachian State University  
8 to assist with the administrative costs of operating the Appalachian State University Center at  
9 Hickory.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-UNC-H28

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *ECU DENTAL SCHOOL FUNDS/CONTINUING STATE FINANCIAL SUPPORT TO*  
2 *ENSURE ACCREDITATION*

3 **SECTION #.** It is the intent of the General Assembly to appropriate funds in the  
4 amount of three million five hundred thousand dollars (\$3,500,000) for the 2011-2012 fiscal  
5 year and the sum of one million five hundred thousand dollars (\$1,500,000) for the 2012-2013  
6 fiscal year to the Board of Governors of The University of North Carolina for East Carolina  
7 University to provide continuing State financial support of the School of Dentistry at East  
8 Carolina University in future fiscal years and to help secure accreditation of the School of  
9 Dentistry by the American Dental Association's Commission on Accreditation.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

DRAFT  
SPECIAL PROVISION



2010-UNC-H29

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *TRANSFER SURPLUS IN LEGISLATIVE TUITION GRANTS AND RELIGIOUS*  
2 *COLLEGE GRANTS TO CONTRACTUAL SCHOLARSHIP FUND*

3 **SECTION #.** (a) Notwithstanding any other provision of law, if the amount  
4 appropriated by this act to the State Education Assistance Authority for the 2010-2011 fiscal  
5 year for legislative tuition grants exceeds the amount required to pay the legislative tuition  
6 grants in the amount of one thousand eight hundred fifty dollars (\$1,850) to each North  
7 Carolina resident student attending the State's private colleges, then the State Education  
8 Assistance Authority shall deposit the surplus balance of the funds into the State Contractual  
9 Scholarship Fund and may use those funds to provide additional scholarships for or to increase  
10 the scholarship amounts awarded to students who have financial need.

11 **SECTION #.(b)** Notwithstanding any other provision of law, if the amount  
12 appropriated by this act to the State Education Assistance Authority for the 2010-2011 fiscal  
13 year for religious college grants exceeds the amount required to pay the religious college grants  
14 in the amount of one thousand eight hundred fifty dollars (\$1,850) to each North Carolina  
15 resident student attending the State's eligible institutions as defined by G.S. 116-43.5, then the  
16 State Education Assistance Authority shall deposit the surplus balance of the funds into the  
17 State Contractual Scholarship Fund and may use those funds to provide additional scholarships  
18 for or to increase the scholarship amounts awarded to students who have financial need.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT  
SPECIAL PROVISION



2010-UNC-H30

University of North Carolina and Private Instruction  
Appropriations Subcommittee on Education

Requested by: Representative

1 *CAMPUS INITIATED TUITION INCREASES/FIFTY PERCENT FOR STUDENT*  
2 *FINANCIAL AID*

3 **SECTION #.(a)** Section 9.23 of S.L. 2009-451 is repealed.

4 **SECTION #.(b)** All campus initiated tuition increases approved by the Board of Governors of  
5 The University of North Carolina may be implemented; however, each campus that implements  
6 the tuition increase shall expend fifty percent (50%) of the increase on student financial aid and  
7 may use as much of the remaining tuition income as needed to fully meet student financial aid  
8 needs on that campus.

9