

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-111
HOUSE BILL 78**

AN ACT TO AUTHORIZE ADDITIONAL NATIONALLY STANDARDIZED TESTS TO SATISFY NINTH GRADE PRIVATE SCHOOL TESTING REQUIREMENTS AND TO MAKE CHANGES FOR IN-STATE TUITION FOR VETERANS TO COMPLY WITH FEDERAL LAW.

The General Assembly of North Carolina enacts:

PART I. PRIVATE SCHOOL STANDARDIZED TESTING REQUIREMENTS

SECTION 1.(a) G.S. 115C-549 reads as rewritten:

"§ 115C-549. Standardized testing requirements.

(a) Each private church school or school of religious charter shall administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of such school, to all students enrolled or regularly attending grades three, six and ~~nine~~-nine, as follows:

- (1) ~~The~~For grades three and six, the nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling and mathematics.
- (2) For grade nine, the nationally standardized test or other equivalent measurement selected must measure either of the following:
 - a. Achievement in the areas of English grammar, reading, spelling, and mathematics.
 - b. Competencies in the verbal and quantitative areas.

(b) Each school shall make and maintain records of the results achieved by its students. For one year after the testing, all records shall be made available, subject to G.S. 115C-174.13, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina."

SECTION 1.(b) G.S. 115C-557 reads as rewritten:

"§ 115C-557. Standardized testing requirements.

(a) Each qualified nonpublic school shall administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of such school, to all students enrolled or regularly attending grades three, six and ~~nine~~-nine, as follows:

- (1) ~~The~~For grades three and six, the nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling and mathematics.
- (2) For grade nine, the nationally standardized test or other equivalent measurement selected must measure either of the following:
 - a. Achievement in the areas of English grammar, reading, spelling, and mathematics.
 - b. Competencies in the verbal and quantitative areas.

(b) Each school shall make and maintain records of the results achieved by its students. For one year after the testing, all records shall be made available, subject to G.S. 115C-174.13,



at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina."

SECTION 1.(c) G.S. 115C-562.5(a)(4) reads as rewritten:

"(4) Administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of the nonpublic school to all eligible students whose tuition and fees are paid in whole or in part with a scholarship grant enrolled in grades three and higher. The For grades three through eight, the nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling, and mathematics. For grades nine through 12, the nationally standardized test or other equivalent measurement selected must measure either (i) achievement in the areas of English grammar, reading, spelling, and mathematics or (ii) competencies in the verbal and quantitative areas. Test performance data shall be submitted to the Authority by July 15 of each year. Test performance data reported to the Authority under this subdivision is not a public record under Chapter 132 of the General Statutes."

SECTION 1.(d) This section is effective when it becomes law and applies to tests given beginning with the 2021-2022 school year.

PART II. IN-STATE TUITION/VETERANS/FEDERAL LAW COMPLIANCE

SECTION 2. G.S. 116-143.3A reads as rewritten:

"§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other individuals.

...

(b) Waiver of 12-month residency requirement for certain veterans and other Certain Individuals. – Any veteran, dependent of a veteran, or other individual who qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) is eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment, to the extent required by ~~Section 702 of the Veterans Access, Choice, and Accountability Act of 2014, as amended,~~ 38 U.S.C. § 3679, without satisfying the 12-month residency requirement under G.S. 116-143.1, provided the individual meets all of the following criteria:

...

(d) ~~After the expiration of the three-year period following discharge as described in 38 U.S.C. § 3679(e), any enrolled individual who is eligible for in-State tuition under this section shall continue to be eligible for the in-State tuition rate so long as the covered individual remains continuously enrolled (other than during regularly scheduled breaks between courses, quarters, terms, or semesters) at that institution of higher education.~~

...."

PART III. EFFECTIVE DATE

law. **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
2021. In the General Assembly read three times and ratified this the 12th day of August,

s/ Bill Rabon
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:46 a.m. this 23rd day of August, 2021