

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 38
Committee Substitute Favorable 4/18/23
PROPOSED SENATE COMMITTEE SUBSTITUTE H38-PCS30502-RQ-22

Short Title: Education Omnibus Changes. (Public)

Sponsors:

Referred to:

February 1, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. ACCEPTANCE OF CASH FOR ADMISSION TO HIGH SCHOOL**
6 **INTERSCHOLASTIC ATHLETIC ACTIVITIES**

7 **SECTION 1.(a)** G.S. 115C-407.55 reads as rewritten:

8 "**§ 115C-407.55. Rules for high school interscholastic athletic activities.**

9 The State Board of Education shall adopt rules governing high school interscholastic athletic
10 activities conducted by public school units that include the following:

11 ...

12 (10) Entry rules. – These rules shall establish requirements related to fees charged
13 to any student or member of the public to attend any interscholastic athletic
14 activity. As a minimum, the rules shall require that when an admission fee is
15 charged to an interscholastic athletic activity, cash shall be accepted as a form
16 of payment for admissions at the time of the event."

17 **SECTION 1.(b)** This section is effective when it becomes law and applies beginning
18 with the 2024-2025 school year.

19
20 **PART II. NEW COOPERATIVE INNOVATIVE HIGH SCHOOLS**

21 **SECTION 2.** Beginning with the 2024-2025 school year and for subsequent school
22 years thereafter, notwithstanding G.S. 115C-238.51A(c), G.S. 115C-238.54, and any other
23 provision of law to the contrary, Dare Early College High School and Rockingham County CTE
24 Innovation High School shall be permitted to operate in accordance with G.S. 115C-238.53 and
25 G.S. 115C-238.54 as cooperative innovative high schools approved under G.S. 115C-238.51A(c)
26 and shall be subject to the evaluation requirements of G.S. 115C-238.55.

27
28 **PART III. REVISE CERTAIN SUPPLANTING CRITERIA FOR SUPPLEMENTAL**
29 **FUNDS FOR TEACHER COMPENSATION**

30 **SECTION 3.** Section 7A.4 of S.L. 2023-134 reads as rewritten:

31 "**SUPPLEMENTAL FUNDS FOR TEACHER COMPENSATION**

32 ...

33 "**SECTION 7A.4.(b)** Definitions. – As used in this section, the following definitions shall
34 apply:

35 ...



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- 1 (14) Supplant factor. – For each local school administrative unit ~~in each fiscal year~~
 2 ~~of the fiscal biennium, as follows:~~
 3 a. For the 2023-2024 fiscal year, the total non-State funds expended for
 4 salary supplements for teachers in the 2020-2021 fiscal year divided
 5 by the total State and non-State funds expended for salaries for
 6 teachers in the 2020-2021 fiscal year.
 7 b. For the 2024-2025 fiscal year, the lesser of the following:
 8 1. The total non-State funds expended for salary supplements for
 9 teachers in the 2020-2021 fiscal year divided by the total State
 10 and non-State funds expended for salaries for teachers in the
 11 2020-2021 fiscal year.
 12 2. The total non-State funds expended for salary supplements for
 13 teachers in the 2021-2022 fiscal year divided by the total State
 14 and non-State funds expended for salaries for teachers in the
 15 2021-2022 fiscal year.

16 ...

17 **"SECTION 7A.4.(f1) Nonsupplant Enforcement.** – If the State Board of Education
 18 determines that a local school administrative unit has supplanted non-State funds in violation of
 19 subsection (f) of this section, the State Board of Education shall do the following:

- 20 (1) For the 2023-2024 fiscal year, continue to allocate funds to the unit in
 21 accordance with subsection (c) of this section.
 22 (2) For the 2024-2025 fiscal year, do either of the following:
 23 a. If the unit can show that it has remedied the deficiency in funding,
 24 continue to allocate funds to the unit in accordance with subsection (c)
 25 of this section.
 26 b. If the unit cannot show that it has remedied the deficiency in funding,
 27 not allocate any funds under this section to the unit.

28"

29
 30 **PART IV. CONSTRUCTION MANAGEMENT CAPACITY FLEXIBILITY**

31 **SECTION 4.(a)** G.S. 143C-4-3.1 is amended by adding a new subsection to read:

32 "(e1) Notwithstanding any other provision of law, for any project with a total project
 33 authorization from the Fund that exceeds twenty million dollars (\$20,000,000), a low-capacity
 34 institution may use up to two percent (2%) of the total project authorization to support additional
 35 project management capacity provided through (i) time-limited employees of the constituent
 36 institution or (ii) a non-State third party. The low-capacity institution shall not use the flexibility
 37 to supplant funding for existing employees. For the purposes of this subsection, a low-capacity
 38 institution is a constituent institution of The University of North Carolina with a full-time
 39 equivalent enrollment of less than 10,000 students in the fiscal year preceding authorization of
 40 the project by State law."

41 **SECTION 4.(b)** This section is effective when it becomes law and applies to
 42 contracts executed on or after that date.

43
 44 **PART V. UNC CARRYFORWARD FOR CERTAIN PROJECTS AT CERTAIN**
 45 **INSTITUTIONS**

46 **SECTION 5.(a)** Part VIII of S.L. 2023-134, as amended by Sections 2.11 and 2.12
 47 of S.L. 2024-1, is amended by adding a new section to read:

48 **"CARRYFORWARD FOR CERTAIN PROJECTS FOR FAYETTEVILLE STATE**
 49 **UNIVERSITY AND NORTH CAROLINA AGRICULTURAL AND TECHNICAL**
 50 **STATE UNIVERSITY**

1 "SECTION 8.25. Notwithstanding any other provision of law to the contrary, the following
2 nonrecurring funds appropriated in this act for the 2023-2024 fiscal year shall not revert at the
3 end of the 2023-2024 fiscal year but shall remain available until the end of the 2024-2025 fiscal
4 year:

5 (1) The two million five hundred thousand dollars (\$2,500,000) appropriated to
6 the Office of State Budget and Management to be allocated to Fayetteville
7 State University for a risk management school.

8 (2) The five million dollars (\$5,000,000) appropriated to the Board of Governors
9 of The University of North Carolina to be allocated to North Carolina
10 Agricultural and Technical State University for programs, research faculty
11 and staff, research expenditures, and building infrastructure."

12 **SECTION 5.(b)** This section becomes effective June 30, 2024.

13 14 **PART VI. PERMIT UNC CONSTITUENT INSTITUTIONS TO CARRY FORWARD** 15 **TAX PROCEEDS FROM SPORTS WAGERING**

16 **SECTION 6.(a)** G.S. 116-30.3 is amended by adding a new subsection to read:

17 "(g) Funds appropriated to constituent institutions of The University of North Carolina
18 pursuant to G.S. 105-113.128 to support collegiate athletic departments shall not revert at the end
19 of the fiscal year in which they are appropriated but shall remain available until expended."

20 **SECTION 6.(b)** This section becomes effective June 30, 2024.

21 22 **PART VII. PERMIT CHAIR OF BOARD OF GOVERNORS TO DESIGNATE A** 23 **MEMBER OF BOARD OF DIRECTORS FOR PROJECT KITTY HAWK**

24 **SECTION 7.** Section 8.24(c) of S.L. 2021-180 reads as rewritten:

25 **"SECTION 8.24.(c)** Project Kitty Hawk shall be conducted by a nonprofit corporation
26 created in accordance with this section and G.S. 116-30.20. The nonprofit corporation shall
27 include in its corporate bylaws that the organization will be governed by a board of directors
28 consisting of nine members, as follows:

29 (1) Two ex officio voting members as follows:

30 a. The President of The University of North Carolina.

31 b. The Chair of the Board of Governors of The University of North
32 ~~Carolina~~Carolina, or the Chair's designee.

33 (2) Seven voting members appointed by the Board of Governors, in consultation
34 with the President of The University of North Carolina, as follows:

35 a. Three members who shall be chancellors or chief academic officers of
36 constituent institutions of The University of North Carolina.

37 b. Four members who shall be individuals having experience in business
38 management, higher education, or both."

39 40 **PART VIII. PERMIT CERTAIN STUDENTS TO PARTICIPATE IN THE TEACHING** 41 **FELLOWS PROGRAM**

42 **SECTION 8.** Notwithstanding G.S. 116-209.62(g), for applications for the award of
43 funds beginning in the 2024-2025 academic year only, the North Carolina Teaching Fellows
44 Program shall provide forgivable loans for completion of an educator preparation program of up
45 to five thousand dollars (\$5,000) per semester for up to six semesters to the following categories
46 of selected students enrolled at selected educator preparation programs in the 2024-2025
47 academic year:

48 (1) Students who were enrolled in the 2023-2024 academic year in a program of
49 study leading to licensure in elementary education.

- 1 (2) Students who were enrolled in the 2023-2024 academic year in an educator
2 preparation program that becomes a selected educator preparation program in
3 the 2024-2025 academic year and who remain enrolled in that program.
4

5 **PART IX. CONFORM IN-STATE TUITION REQUIREMENTS TO FEDERAL LAW**

6 **SECTION 9.(a)** G.S. 116-143.1 is amended by adding a new subsection to read:

7 "(h2) Any citizen of the Federated States of Micronesia, the Republic of the Marshall
8 Islands, or the Republic of Palau who is a nonresident shall be eligible to be charged the in-State
9 tuition rate and shall pay the full amount of the in-State tuition rate and applicable mandatory
10 fees."

11 **SECTION 9.(b)** This section becomes effective July 1, 2024, and applies beginning
12 with the 2024-2025 academic year.
13

14 **PART X. ALLOW THE AUTHORITY TO USE ADMINISTRATIVE FUNDS FROM**
15 **OPPORTUNITY SCHOLARSHIPS FOR PERSONAL EDUCATION STUDENT**
16 **ACCOUNTS**

17 **SECTION 10.(a)** G.S. 115C-562.8(c) reads as rewritten:

18 "(c) Of the funds allocated to the Authority to award scholarship grants under this Part,
19 the Authority may retain up to two and one-half percent (2.5%) of the funds appropriated each
20 fiscal year for administrative costs associated with the scholarship grant program. If the actual
21 costs of administering the scholarship grant program are less than the funds authorized for
22 administering the program pursuant to this subsection, the Authority may allocate unused funds
23 for the additional administrative costs of the Personal Education Student Accounts for Children
24 with Disabilities Program in accordance with G.S. 115C-597(d)."

25 **SECTION 10.(b)** G.S. 115C-597(d) reads as rewritten:

26 "(d) Administration Costs. – Of the funds allocated to the Authority to award scholarship
27 funds under this Article, the Authority may retain the lesser of four percent (4%) of the funds
28 appropriated or ~~two million dollars (\$2,000,000)~~ three million dollars (\$3,000,000) each fiscal
29 year for administrative costs associated with the program, including contracting with non-State
30 entities for administration of certain components of the program. If the actual costs of
31 administering the program exceed the funds authorized for administering the program pursuant
32 to this subsection, the Authority may allocate unused funds set aside for administration costs
33 from the Opportunity Scholarship Grant Fund Reserve pursuant to G.S. 115C-562.8(c) for the
34 additional administrative costs of the Personal Education Student Accounts for Children with
35 Disabilities Program."
36

37 **PART XI. EFFECTIVE DATE**

38 **SECTION 11.** Except as otherwise provided, this act is effective when it becomes
39 law.