



# HOUSE BILL 986: Various Changes to Education Laws.

2017-2018 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> June 13, 2018
<b>Introduced by:</b> Reps. Hurley, Elmore, Horn, Johnson	<b>Prepared by:</b> Committee Counsel*
<b>Analysis of:</b> Third Edition	

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**OVERVIEW:** *The 3rd edition of House Bill 986 would require the following:*

- *The State Board of Education (SBE) and the Department of Public Instruction (DPI) to report annually on the implementation of the statutory requirements regarding cursive writing and multiplication tables.*
- *Students who score a level five on end-of-year math tests to be placed in advanced math classes the following year.*
- *The State Board of Education to provide information from annual performance reports for educator preparation providers in a user-friendly format that allows comparability of data, and remove requirements for the Board of Governors of The University of North Carolina to incorporate that information into the Teacher Quality Dashboard.*
- *The State Superintendent of Public Instruction to study and make recommendations on ways to reduce testing not otherwise required by State or federal law.*
- *DPI to develop a content standards for a mental health training program and model program, and minimum requirements for a suicide risk referral protocol, and model protocol.*
- *Create a "Renewal School System" model that authorizes a qualifying local school administrative unit to become a renewal school system and therefore be subject only to certain statutes and State Board of Education rules and policies.*

## **PART I: CURSIVE AND MULTIPLICATION REPORT**

**CURRENT LAW:** Section 7.23B of S.L. 2017-57 required the SBE and DPI to submit a one-time report to the Joint Legislative Education Oversight Committee (JLEOC) regarding the implementation of the cursive writing and multiplication tables memorization requirements in G.S. 115C-81(k) and (l) (recodified as G.S. 115C-81.75 and G.S. 115C-81.80, respectively).

**BILL ANALYSIS:** Part I would require the SBE and DPI to report to JLEOC by March 30 annually on the implementation of the statutory requirements regarding cursive writing and multiplication tables. The report must include the following information:

- List and percentage of local school administrative units (LEAs) in compliance with the cursive writing requirement, as well as a list and percentage of LEAs not in compliance.
- List and percentage of LEAs in compliance with the memorization of multiplication tables requirement, as well as a list and percentage of LEAs not in compliance.
- List of instructional strategies used by each local school administrative unit (LEA) to implement the cursive writing requirement, broken down by LEA.

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- Percentage of LEAs using various cursive writing instructional strategies.
- List and percentage of any LEAs that did not provide information for the report.

This provision was recommended by JLEOC's [May 1, 2018 report](#).

**EFFECTIVE DATE:** Part I would become effective when it becomes law and would apply to reports submitted on or after that date.

## **PART II: ADVANCED COURSES IN MATHEMATICS**

**BILL ANALYSIS:** Part II would require local boards of education to offer advanced courses in mathematics in grades three and higher when practicable. Students who score a level five on end-of-year math tests must be placed in advanced math classes the following year. Students may only be removed from the advanced course if a parent or guardian provides written consent.

**EFFECTIVE DATE:** Part II would apply beginning with the 2018-2019 school year.

## **PART III: EDUCATOR PREPARATION REPORTS**

**CURRENT LAW:** G.S. 115C-269.50 requires State Board of Education to provide the information from each educator preparation program's (EPPs) annual performance report to the Board of Governors of The University of North Carolina to be incorporated into the Teacher Quality Dashboard to provide greater accessibility and comparability of data on the performance of EPPs in the State.

**BILL ANALYSIS:** Part III would require the State Board of Education to provide information from annual performance reports for educator preparation providers in a user-friendly format that allows comparability of data, and would remove requirements for the Board of Governors of The University of North Carolina to incorporate that information into the Teacher Quality Dashboard.

## **PART IV: STATE SUPERINTENDENT TESTING STUDY**

**BILL ANALYSIS:** Part IV would require the State Superintendent of Public Instruction to study and make recommendations on ways to reduce testing not otherwise required by State or federal law. The Superintendent must report findings and recommendations to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee by January 15, 2019.

## **PART V: DEPARTMENT OF PUBLIC INSTRUCTION DEVELOP MENTAL HEALTH TRAINING PROGRAM AND SUICIDE RISK REFERRAL PROTOCOL**

**BILL ANALYSIS:** Section 5.(a) would require the Department of Public Instruction, under the direction of the State Superintendent, and in consultation with the Department of Health and Human Services, Division of Public Health, to do all of the following:

- Develop content standards for a mental health training program that includes all of the following topics:
  - Youth mental health
  - Suicide prevention
  - Substance use
  - Sexual abuse prevention
  - Sex trafficking prevention
- Develop a model mental health training program.

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- Develop minimum requirements for a suicide risk referral protocol that provides guidelines to identify students at risk of suicide, or suspected victims of child abuse, neglect, sexual abuse, or sex trafficking.
- Develop a model suicide risk referral protocol.

Section 5.(b) would require the State Superintendent to report the content standards for a mental health training program, model mental health training program, minimum requirements for a suicide risk referral protocol, and model suicide risk referral protocol to the Joint Legislative Education Oversight Committee by October 15, 2018.

Section 5.(c) would require the State Board of Education to repeal its School-Based Mental Health Initiative policy, SHLT-003.

**EFFECTIVE DATE:** Part V would become effective when it becomes law.

## **PART VI: RENEWAL SCHOOL SYSTEM**

**CURRENT LAW:** Under G.S. 115C-105.37B, the State Board of Education (SBE) has the authority to approve a local board of education's request to reform a continually low-performing school in its local school administrative unit (LEA). A continually low-performing school is a school that has received State-mandated assistance and has been designated by the SBE as low-performing for at least 2 of 3 consecutive years. A low-performing school is a school that earns an overall school performance grade of a D or F and a school growth score of "met expected growth" or "not met expected growth".

If the SBE approves a local board of education's request to reform a continually low-performing school, then the local board of education can adopt one of the following four models for that school: (i) transformation model; (ii) restart model; (iii) turnaround model; or (iv) school closure model.

The restart model authorizes the local board of education to operate the school with the same exemptions from statutes and rules as charter schools or to operate the school under the management of an educational management organization. The school still remains under the control of the local board of education and the employees of the school are still employees of the local board of education.

**BILL ANALYSIS:** Part VI authorizes a local board of education to submit a LEA Renewal Plan (renewal school system plan) to the SBE to allow the local board of education to decide all matters related to the operation of the schools in the LEA governed by the local board of education, including the use of State funds, curriculum, and operating procedures, with certain exceptions that are described below. A local board of education is eligible to submit a renewal school system plan to the SBE if its LEA has all of the following: (i) the greatest percentage of Restart Model schools in the State that have been approved by the SBE, (ii) received low-wealth supplemental funding for the 2017-2018 fiscal year, and (iii) more than an average daily membership of 10,000 students for the 2017-2018 school year.

**Submission of Renewal School System Plan** – If a qualifying local board of education submits a renewal school system plan by July 15, 2018, to the SBE to begin operation of the plan with the 2018-2019 school year, the SBE must approve the renewal school system plan. The renewal school system plan must have at least the following:

- A resolution adopted by the local board of education to implement the renewal school system plan.
- A description of how the local board of education will design and create a comprehensive, innovative strategic vision for sustainable school improvement and student achievement through

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the delivery of instruction and resources tailored to the needs of the students and the community. This must also include:

- Policies and support services that will enhance the ability of each school in the LEA to achieve its own strategic vision and plan within the context of the LEA's vision.
- Strategies for attaining and retaining high quality instructional, support, and administrative school personnel employed by the local board of education.
- Methods for the analysis of data to ensure the local board of education is meeting its strategic goals.

SBE Approval and Exemption from Statutes and Rules – Once the SBE approves the renewal school system plan, the local board of education and LEA are exempt from statutes and rules applicable to other local boards of education and LEAs for the purposes of operating their schools except as provided below.

## Statutes That **Will Still Apply** to the Local Board of Education and LEA with a Renewal School System Plan

- Article 1 – Definitions and Preliminary Provisions.
- Article 5 – Local Boards of Education, **except as provided below.**
- Article 7 – Organization of Schools.
- Article 8 – G.S. 115C-81.30, Reproductive Health and Safety Education Provided by Local School Administrative Units.
- Article 8 – School Performance – Part 1A, North Carolina Read to Achieve Program, and Part 1B, School Performance.
- Article 8C – Local Safety Plans, **except as provided below.**
- Article 9 – Education of Children With Disabilities.
- Article 10A – Part 3, Preliminary Scholastic Aptitude Test Opportunities Encouraged, and Part 5, Career and College Readiness.
- Article 14A – Subsections (c) through (e) of G.S. 115C 218.105, State and local funds for a charter school.
- Article 16 – Part 9, Cooperative Innovative High School Programs.
- Article 17 – Part 2, Food Service.
- Article 21A – Privacy of Employee Personnel Records.
- Article 22 – G.S. 115C-325, System of employment for public school teachers, and Article Part 6, Criminal History Checks, and Part 8, Sexual Harassment Policies.
- Article 23 – Employment Benefits
- Article 25 – Admission and Assignment of Students, **except as provided below.**
- Article 25A – Special Medical Needs of Students.
- Article 26 – Attendance.
- Article 27 – Discipline.

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- Article 28 – Student Liability
- Article 29 – Protective Provisions and Maintenance of Student Records.
- Article 29A – Policy Prohibiting Use of Tobacco Products.
- Article 29D – Student Prayer and Religious Activity
- Article 31 – The School Budget and Fiscal Control Act, **except as provided below.**
- Article 33 – Assumption of School District Indebtedness by Counties.
- Article 34 – Refunding and Funding Bonds of School Districts.
- Article 34B – Qualified Zone Academy Bonds and Qualified School Construction Bonds.
- Article 35 – Voluntary Endowment Fund for Public Schools.
- Article 36 – Voted Tax Supplements for School Purposes.
- Article 37 – School Sites and Property, **except as provided below.**
- Article 38 – State Insurance of Public School Property.

Specific statutes and parts of statutes with which the Local Board of Education and LEA with a Renewal School System Plan **WILL NOT** have to comply (although the larger statute or Article does require compliance above).

- G.S. 115C-47 – General Powers and Duties of Local Boards of Education.
  - G.S. 115C-47(5) [To Fix Time of Opening and Closing Schools].
  - G.S. 115C-47(10) [To Assure Appropriate Class Size].
  - G.S. 115C-47(11) [To Determine School Calendar].
  - G.S. 115C-47(13) [To Elect a Superintendent].
  - G.S. 115C-47(14) [To Supply an Office, Equipment and Clerical Assistance for the Superintendent].
  - G.S. 115C-47(15) [To Prescribe Duties of Superintendent].
  - G.S. 115C-47(16) [To Remove a Superintendent, When Necessary].
  - G.S. 115C-47(17) [To Employ Assistant Superintendents and Supervisors].
  - G.S. 115C-47(18a) [To Adopt Rules and Policies Limiting the Noninstructional Duties of Teachers].
  - G.S. 115C-47(21) [Employee Salary Schedules].
  - G.S. 115C-47(32) [To Refer All Students Who Drop Out of the Public Schools to Appropriate Services].
  - G.S. 115C-47(32a) [To Establish Alternative Learning Programs and Develop Policies and Guidelines].
  - G.S. 115C-47(34a) [To Establish Work Based Opportunities and Encourage High School to Work Partnerships].

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- G.S. 115C-47(35) [To Produce School Building Improvement Reports].
- G.S. 115C-47(38) [To Establish School Improvement Teams].
- G.S. 115C-105.47A – Proposals to establish alternative learning programs or alternative schools.
- G.S. 115C-105.48 – Placement of students in alternative schools/alternative learning programs.
- G.S. 115C-372 – Assignment to school bus.
- G.S. 115C-438 – Provision for the disbursement of State money.
- G.S. 115C-451 – Reports to State Board of Education; failure to comply with School Budget Act.
- G.S. 115C 521(a) – Class size requirements.

Course of Study Requirements – The local board of education must: (i) provide instruction each year for at least 185 days or 1,025 hours over 9 calendar months; (ii) design its programs to meet at a minimum the student performance standards adopted by the SBE and the student performance goals contained in the renewal school system plan; and (iii) conduct student assessments required in G.S. 115C-174.11.

Identification of Low-Performing Schools – The SBE must identify annually low-performing schools and continually low-performing schools in the LEA operating under a renewal school system plan.

Transportation – The local board of education must provide a system of transportation for students in the LEA operating under a renewal school system plan.

Policy Against Bullying – The LEA operating under a renewal school system plan is encouraged to adopt a policy against bullying or harassing behavior, including cyber-bullying, that is consistent with the provisions of Article 29C of Chapter 115C of the General Statutes. If it does so, it must provide the policy to staff, students, and parents.

Reporting to the State Board – The LEA operating under a renewal school system plan must comply with the reporting requirements established by the SBE in the Uniform Education Reporting System and report any required information annually.

Driving eligibility certificates – The local board of education with an approved renewal school system plan must direct the principal of each school in the LEA to complete requirements related to driving eligibility certificates.

Employees – Beginning August 2, 2018, the local board of education with an approved renewal school system plan must employ and establish the terms of any new or renewed contract with necessary school administrators and teachers to perform the particular service for which they are employed in the schools or in a central administrative role for the local school administrative unit. At least fifty percent (50%) of the teachers in a school must hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts must be college graduates. The local board of education also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services.

These requirements do not apply to a contract of employment that is in effect on August 2, 2018, that by its terms will terminate on a later date, and do not impair any obligations of the local board of education arising under an employment contract executed before August 2, 2018. Statutes governing contracts of employment entered in to by the local board of education prior to August 2, 2018, shall continue to apply until the end of the term of the contract.

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Available State Funds – Beginning with the 2018-2019 fiscal year, the Department of Public Instruction must calculate the amount of State funds to be allocated to the LEA operating under a renewal school system plan on the same basis as other LEAs and distribute those funds to the LEA.

The funds allocated to the LEA must be subject to any restrictions as to use imposed by federal law, the conditions of federal grants, or as provided through any rules that the SBE adopts to ensure compliance. Use of the funds are otherwise unrestricted except as provided in the bill.

Under no circumstances can the LEA receive a total amount of State funds in the 2018-2019 fiscal year under the disbursement method described that is less than the total amount of State funds the LEA received in the 2017-2018 fiscal year.

Provision for Disbursement of State Money – The deposit of money in the State treasury to the credit of the LEA operating under an approved renewal school system plan must be made as necessary for the operation of the LEA. However, the SBE may withhold money to be distributed to the LEA if any report required to be filed with State school authorities is more than 30 days overdue.

State Budget Act Compliance – The SBE has the authority to require the LEA operating under a renewal school system plan to make reports as it may deem advisable with respect to the financial operation of the schools located in the LEA. If the local board of education willfully or negligently fails or refuses to comply with applicable laws and regulations of the School Budget and Fiscal Control Act, the SBE must issue a warning to the local board of education and direct it to take remedial action. If the local board of education, after warning, persists in willfully or negligently failing or refusing to comply with these laws and regulations, the SBE must by resolution assume control of the financial affairs of the local board of education and shall appoint an administrator to exercise the powers assumed. The adoption of a resolution will have the effect of divesting the local board of education of its powers as to the adoption of budgets, expenditure of money, and all other financial powers conferred upon the local board of education by law.

Withholding for Retirement Contributions – Upon notification by the Board of Trustees of the Teachers' and State Employees' Retirement System to the State Treasurer and the Office of State Budget and Management as to any default of the LEA operating under an approved renewal school system plan, the SBE shall withhold from any State appropriation due to the LEA an amount equal to the sum of all delinquent contributions and payments due to the Retirement Systems Division and shall transmit that amount to the Retirement Systems Division.

SBE Review and Ability to Terminate Renewal School System Plan – The SBE must review the operation and student performance of the LEA operating under a renewal school system plan at the end of the 2022-2023 school year and at least every three years thereafter. This is to ensure that the LEA is meeting the expected academic, financial, and governance strategic goals set forth in the local board of education's plan. The SBE may terminate the renewal school system plan on any of the following grounds:

- Failure to meet the requirements for student performance contained in the plan.
- The majority of schools in the LEA have been identified as low-performing schools in the two school years immediately preceding the review.

If the SBE determines that the LEA has failed to meet generally accepted standards of fiscal management or violated State or federal law, the SBE may terminate the renewal school system plan prior to the end of 2022-2023 school year.

In addition, if the State Superintendent finds that satisfactory progress is not being made after reviewing the reports that are required to be made to the State Superintendent in the section below, the State Superintendent must recommend to the SBE that the renewal school system plan be terminated immediately and the SBE must terminate if this recommendation is made.

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Upon termination of the renewal school system plan by the SBE, the SBE must develop a transition plan for the local board of education to revert to operating the LEA in accordance with applicable State laws and regulations for other LEAs.

Reporting to State Superintendent – The LEA operating under an approved renewal school system plan must report to the State Superintendent as follows:

- An annual report on the assessment instruments used pursuant to G.S. 115C-174.11(a) and the student outcomes based on those assessments.
- An annual report on the number of classroom teacher and school administrator vacancies, turnover, and use of long-term substitutes in filling vacancies for both classroom teachers and school administrators. This report shall also provide comparisons with the statewide data on these items. In addition, the report shall also provide comparisons with the previous year's data on these items both at the local school administrative unit level and statewide.
- An annual report on student absences with comparisons with the previous year's data on student absences.
- Any other reporting requirements deemed necessary by the State Superintendent of Public Instruction.

**EFFECTIVE DATE:** Part V would become effective when it becomes law.

**OVERALL BILL EFFECTIVE DATE:** Except as otherwise provided, HB 986 would become effective when it becomes law.

*\*Drupti Chauhan, Kara McCraw, Brian Gwyn, and Samantha Yarborough, Staff Attorneys with the Legislative Analysis Division, all substantially contributed to this summary.*