



# HOUSE BILL 159: Education Law Changes.

2021-2022 General Assembly

<b>Committee:</b>		<b>Date:</b>	July 1, 2022
<b>Introduced by:</b>	Reps. Torbett, Blackwell	<b>Prepared by:</b>	Brian Gwyn* Staff Attorney
<b>Analysis of:</b>	Conference Committee Substitute (H159-CCSBE-7)		

**OVERVIEW:** *The Proposed Conference Committee Substitute for House Bill 159 would make various changes to the education laws of the State.*

## PART I: CHANGES TO PRE-K REQUIREMENTS

### SECTION 1.1 – Early Childhood Credentials

**CURRENT LAW:** Child Care Commission rules require individuals to complete early childhood coursework at a North Carolina community college to earn a North Carolina Early Childhood Credential.

**BILL ANALYSIS:** This section would direct the North Carolina Child Care Commission to adopt a rule to expand how a North Carolina Early Childhood Credential can be earned by including the following additional pathways:

- Hold a currently active Child Development Associate Credential from the National early Childhood Program Accreditation or a Montessori Credential.
- Earn a passing score on a test developed by the early childhood faculty of the North Carolina Community College System.
- Meet other equivalencies as determined by the Division of Child Development and Early Education, Department of Health and Human Services.

### SECTION 1.2 – NC Pre-K Teacher Assistants

**CURRENT LAW:** Child Care Commission rules require NC Pre-K teacher assistants to hold a high school diploma and its equivalent, as well as meet at least one of the following criteria:

- Hold a Child Development Associate credential.
- Hold or be working toward an Associate Degree or higher in birth-through-kindergarten, child development, early childhood education, or an early childhood education related field. Those working toward the Associate Degree shall make progress by completing a minimum of six semester hours per year.

**BILL ANALYSIS:** This section would prohibit the Division of Child Development and Early Education from requiring an individual working towards an Associate Degree to complete a minimum number of semester hours per year in order to be eligible for employment as an NC Pre-K teacher assistant. The prohibition would expire December 31, 2023.

### SECTION 1.3 – Early Childhood Teachers of Children with Disabilities

**CURRENT LAW:** Sec. 619 of Part B of the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. § 1400, et seq., provides grants to states to assist with providing special education and

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related services to children with disabilities aged 3 through 5. At the state's discretion, grant funding can also assist 2-year-old children with disabilities if they turn 3 during the school year. A limited amount of funding can be reserved for State-level activities, with the remainder being distributed to local educational agencies (LEAs).

**BILL ANALYSIS:** This section would require the Department of Public Instruction to use federal funds received pursuant to Sec. 619 of Part B of IDEA to add at least 13 employees to provide professional development and support to teachers in public schools who work with students with disabilities ages 3 through 5, including preschool and kindergarten teachers.

## **PART II: VARIOUS K-12 EDUCATION CHANGES**

### **Section 2.1 – Remove Codified Reference To Powerschool**

**CURRENT LAW:** G.S. 115C-12(18)e. requires, when practicable, reporting requirements developed by the State Board of Education as part of the Uniform Education Reporting System to be incorporated into the PowerSchool application or any other component of the Instructional Improvement System.

**BILL ANALYSIS:** This section would remove the reference to the specific PowerSchool application and instead refer to "school information system."

### **Section 2.2 – Modify School Crisis Kit Requirements**

**CURRENT LAW:** G.S. 115C-105.52 authorizes the Center for Safer Schools to develop and adopt policies on the placement of school crisis kits in schools and on the contents of those kits. The kits should include, at a minimum, basic first-aid supplies, communications devices, and other items recommended by the International Association of Chiefs of Police.

**BILL ANALYSIS:** This section would remove the requirement that school crisis kits include items recommended by the International Association of Chiefs of Police.

### **Section 2.3 – Charter Enrollment Priority to Grandchildren of Employees or Board Members**

**CURRENT LAW:** Charter schools can give enrollment priority to the children of the employees of charter school and the children of the charter school's board of directors.

**BILL ANALYSIS:** This section would extend that enrollment priority to the grandchildren of the employees of charter school and the children of the charter school's board of directors.

### **Section. 2.4 – School Nutrition Changes**

**CURRENT LAW:** G.S. 115C-263 requires local boards of education to provide school nutrition services to the extent practicable. G.S. 115C-264 additionally requires local boards to participate in the National School Lunch Program and follow the federal guidelines established by the United States Department of Agriculture in 7 CFR 210.

G.S. 115C-264.2 establishes the requirements for local boards to sell beverages in vending machines during the school day. 7 CFR 210.11 sets out the federal requirements for competitive food and beverage sales, including sales through vending machines. Currently, the federal requirements for competitive foods and beverages are more strict than G.S. 115C-264.2.

G.S. 115C-264.3 authorizes the State Board of Education to establish statewide nutrition standards for school meals. The standards adopted by the State Board under this statute are not as restrictive as the federal standards in 7 CFR 210 and are not being followed by schools participating in the National School Lunch Program.

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**BILL ANALYSIS:** This section would modify the vending machine sales restrictions to align with the federal competitive food and beverage standards. It would repeal G.S. 115C-264.3 to provide clarity on school nutrition standards to local boards of education participating in the National School Lunch Program. It would additionally make various clarifying and technical changes.

## **Section 2.5 – Include Children of National Guard and Reserve Members in Military Compact**

**CURRENT LAW:** The Interstate Compact on Educational Opportunity for Military Children (Compact) ensures that the children of active duty members of the uniformed services have the same opportunities for educational success as other children when transitioning to a new school. This Compact provides transition services, such as requiring schools to temporarily accept unofficial school records for enrollment until official records arrive, requiring schools to honor a previous school's course and program placement, requiring schools to bypass tryout or application deadlines for extracurricular activities, and ensuring on-time graduation for senior-year transfers. The Compact does not apply to children of inactive members of the National Guard and military reserves.

**BILL ANALYSIS:** This section would grant the following to the children of inactive members of the National Guard and military reserves, if the member is required to move to perform military service related responsibilities: (i) for intrastate moves, the same services as are provided to children of active duty military under the Compact and (ii) for interstate moves, any services provided to children of active duty military under the Compact to the extent possible without coordination with another state.

## **Section 2.6 – Remove Reference to Regional Case Managers**

**CURRENT LAW AND BILL ANALYSIS:** Section 5(b) of S.L. 2021-8 requires regional case managers or other appropriate staff to work to ensure literacy standards developed by the State Board of Education are implemented statewide. This section would change "regional case managers" to "regional directors."

## **Section 2.7 – Increase Funding Cap on Turnaround Coach Funding**

**CURRENT LAW AND BILL ANALYSIS:** The 2021 Appropriations Act provided \$18 million to provide coaching support and professional development for principals and school improvement leadership teams in local school administrative units. The Department of Public Instruction can use up to \$2 million of the funds for 20 time-limited or full-time positions to support these activities. This section changes the amount DPI can use to up to 25% of the funds for 28 time limited or full-time positions.

## **Section. 2.8 – Extend Principal License Exemption**

**CURRENT LAW:** Section 1 of S.L. 2021-170 requires the State Board of Education to waive the following licensure requirements for certain individuals:

- Pass an exam adopted by the State Board of Education (G.S. 115C-284(b1)(5) and (c)).
- Complete a year-long internship (G.S. 115C-284(c2)(7)).
- Have at least four years of classroom teaching experience and possess at least a Masters Degree in Education Administration (G.S. 115C-284(d1)).
- Achieve at least the second level of differentiation between classroom teachers (G.S. 115C-284(d1)).

Individuals who completed at least one course as part of a masters degree program or a post-masters certificate designed for school administrators prior to August 31, 2022, are eligible for the waiver, provided that the individual completes a masters degree program or a post-masters certificate designed for school administrators and meets all licensure requirements not otherwise waived by this provision prior to being licensed as a school administrator.

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**BILL ANALYSIS:** This section would extend the principal license exemption to cover individuals who have completed at least one course as part of a master's degree program or post-master's certificate designed for school administrators by August 31, 2024.

## **PART III. VARIOUS HIGHER EDUCATION CHANGES**

### **Section 3.1 – Conform Apprenticeship to Federal Law**

**CURRENT LAW:** G.S. 115D-11.10 and G.S. 115D-11.11 establish requirements for the State apprenticeship program that include a requirement that apprenticeship agreements provide for at least 2,000 hours of reasonably continuous employment in an approved work experience for the apprentice.

29 CFR Part 29 establishes the requirements for the federal registration of apprenticeship programs. These requirements allow three different measures of the term of the apprenticeship:

1. Time-based approach: Completion of at least 2,000 hours through the completion of the industry standard for on-the-job learning.
2. Competency-based approach: Attainment of competency.
3. Hybrid approach: A blend of the time-based and competency-based approaches.

**BILL ANALYSIS:** This section would revise the definition of apprentice and the contents of apprenticeship agreements to conform to the federal standards for apprenticeships, including multiple measures for terms of the apprenticeship.

### **Section 3.2 – Permit Community Colleges To Collaborate With Public And Nonpublic Schools For Certain Programs**

**CURRENT LAW:** G.S. 115D-20(4) provides for collaboration between community colleges and local school administrative units to enroll high school students in Career and College Promise (CCP) courses in community colleges. CCP includes multiple tracks, including Cooperative and Innovative High Schools, academic transition pathways, and college transfer pathways.

**BILL ANALYSIS:** This section would allow the community colleges to enroll students from public school units and non-public schools (private and home schools) in academic transition and college transfer pathway courses.

### **Section 3.3 – Revise Allowable Literacy Funds Uses**

**CURRENT LAW:** G.S. 115D-31(b1) limits the use of certain funds, including Literacy Funds by community colleges. The State Board of Community Colleges (SBCC) may authorize a community college to use up to twenty percent (20%) of State Literacy Funds to provide employability skills and developmental education (basic skills courses) to students concurrently enrolled in a literacy course.

Part II of the federal Workforce Innovation and Opportunity Act (WIOA) requires matching State funds which must be used in compliance with the same federal requirements for adult education and literacy activities in the State. (29 USC 3302) Currently, the State Board of Community Colleges used Literacy Funds to comply with the federal WIOA match requirement.

**BILL ANALYSIS:** This section would eliminate the authorization to vary use of State Literacy Funds in the discretion of the SBCC.

### **Section 3.4 – North Carolina Principal Fellows And North Carolina Teaching Fellows Changes**

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**CURRENT LAW:** Article 5C of Chapter 116 of the General Statutes establishes the North Carolina Principal Fellows and Transforming Principal Preparation Program. The Commission governing the Program includes the chair of the Board of the State Education Assistance Authority (SEAA).

Part 3 of Article 23 of Chapter 116 of the General Statutes establishes the North Carolina Teaching Fellows Program (Teaching Fellows). The Commission governing Teaching Fellows includes several ex officio members, including the chair of the Board of the State Education Assistance Authority.

**BILL ANALYSIS:** This section would rename the North Carolina Principal Fellows and Transforming Principal Preparation Program as the North Carolina Principal Fellows Program (Principal Fellows). Section 9 would also allow the chair of the Board of SEAA to select another person to serve in the chair's place on the Commissions for both the Principal Fellow and Teaching Fellows Programs.

## **Section 3.5 – Expand NCSSM Board Of Trustees**

**CURRENT LAW AND BILL ANALYSIS:** The Board of Trustees for the North Carolina School of Science and Mathematics (NCSSM) consists of 30 members appointed by various entities. The Board of Governors of The University of North Carolina must have one member from each of the State's congressional districts. This section would expand the number of members on NCSSM's Board of Trustees to align with the additional newly created congressional district, bringing the total number to 31.

## **Section 3.6 – Clarify Eligibility of Disabled Veterans For Patriot Star Family Scholarship Programs**

**CURRENT LAW:** The 2021 budget (S.L. 2021-180) created two scholarship programs (Programs) for certain eligible children and eligible spouses of certain veterans, eligible children of certain currently serving members of the Armed Forces, and eligible disabled veterans to attend eligible postsecondary institutions.

Under S.L. 2021-180, a disabled veteran was eligible for the scholarship if the veteran (i) incurred traumatic injuries, wounds, or illness as a member of the Armed Forces during a period of war or national emergency and (ii) is receiving compensation for a wartime service-connected disability of at least 50% as rated by the U.S. Department of Veterans Affairs.

S.L. 2022-6 adjusted the definitions of "eligible child" and "eligible disabled veteran" in a way that would have required the disabled veteran to be a parent to be eligible.

**BILL ANALYSIS:** This section would clarify the definition of "eligible disabled veteran" to include veterans who incurred traumatic injuries, wounds, or illness as a member of the Armed Forces while training in preparation for future conflicts if the veteran is receiving compensation of at least 50% as rated by the U.S. Department of Veterans Affairs as a result of those injuries, wounds, or illness.

## **PART IV. SCHOOL THREAT ASSESSMENT SURVEY**

**BILL ANALYSIS:** This section requires all public school units to report the following information to the Center for Safer Schools by November 15, 2022:

- Whether the public school unit or any school in the public school unit has any systems, policies, procedures, or precautions in place to identify or address indications that a student may pose a risk of violence or other harm to themselves or others and, if so, a description of the system, policy, procedure, or precaution.
- The number and nature of any threats identified under any system in place for the public school unit.
- The response to any identified threat and the result of that response.

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- Whether each school in the public school unit has a School Risk Management Plan and the number of drills conducted under the plan.
- Any other systems, policies, procedures, or precautions the public school unit or a school in the public school unit undertakes with the purpose of minimizing violence and threats in schools.

By February 15, 2023, the Center for Safer Schools, in consultation with the Department of Public Instruction, must report to the Joint Legislative Education Oversight Committee on recommendations to the General Assembly on a system to identify and address threats in schools that could be implemented by public school units statewide, as well as any additional funding that would be required to support such a system. The Center for Safer Schools' report must also include the information submitted by public school units described above by public school unit and also aggregated statewide.

## **PART V. ADVANCED TEACHING ROLE CHANGES**

**CURRENT LAW AND BILL ANALYSIS:** Currently, G.S. 115C-311(h) requires the State Board of Education to contract with an independent research organization to evaluate the Advanced Teaching Roles program in the first two years of the program and provide reports on October 15, 2022, and October 15, 2023. This section would remove the requirement for a 2021 report, and instead require reports by October 15, 2022, 2023, and 2024. Beginning October 15, 2025, the State Board of Education must provide annual reports. Additionally, this section would authorize the Department of Public Instruction to use up to \$200,000 each year of appropriated funds for the 2021-2023 biennium for the State Board to contract with an independent research organization for the required evaluations.

**EFFECTIVE DATE:** Except as otherwise provided, the bill would be effective when it becomes law.

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