



HOUSE BILL 159: Education Law Changes.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2021-2022 General Assembly

Committee:	Senate Education/Higher Education.	If Date:	June 16, 2021
	favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Reps. Torbett, Blackwell	Prepared by:	Kara McCraw*
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: House Bill 159 would make various education law changes.

PART I: Flexibility to Receive Annual Salary in 12 Monthly Installments

CURRENT LAW: Teachers and school employees who are not employed in year-round schools may be paid in 12 monthly installments if they request so on or before the first day of the school year. Teachers employed for a period of less than 10 months cannot receive their salaries in 12 monthly installments.

BILL ANALYSIS: Teachers and school employees can be paid in 12 monthly installment regardless of when they make the request and teachers employed for a period of less than 10 months may also receive their salaries in 12 monthly installments. In addition, school employees that are employed for a period of 11 calendar months can also be paid in 12 equal installments if they request. Local school administrative units (LEAs) may fulfill this through a payroll deduction plan.

PART II: Change Report Date for Student Meal Debt Report and Allow Funds for Schools Lunches to Carryforward

CURRENT LAW and BILL ANALYSIS: The State Board of Education (SBE) must report to the Joint Legislative Education Oversight Committee (JLEOC) on unpaid meal charges in LEAs by October 15, 2021. This Part changes the due date to October 15, 2022.

Section 2.3(b) of S.L. 2020-80 provided \$3.9 million dollars in nonrecurring funds to provide school lunches at no cost to students of all grade levels qualifying for reduced-price meals in all schools participating in the National School Lunch Program in the 2020-2021 school year. The bill would allow these funds to be also used for the 2021-2022 school year for the same purposes and specify that the funds would not revert at the end of the 2020-2021 school year.

PART III: Revise Operating Balance Restrictions for School Nutrition Programs

CURRENT LAW: LEAs are not allowed to assess indirect costs to a school nutrition program unless the program has a minimum of one month's operating balance. The Department of Public Instruction (DPI) must calculate the average month's operating balance by using the figures obtained from the annual financial report from each nutrition program operation and it must be equal to the average of the 3 prior fiscal years' monthly operating balances.

BILL ANALYSIS: This Part would prohibit public school units from assessing indirect costs to a school nutrition program unless the program has an operating balance of at least three months. Public school units would also be prohibited from assessing indirect costs that are more than 8% of a school nutrition program's annual budget per fiscal year.

Jeffrey Hudson
Director



Legislative Analysis
Division
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PART IV: Temporarily Extend CPR Graduation Requirement Changes

CURRENT LAW and BILL ANALYSIS: Completion of instruction in cardiopulmonary resuscitation is required for high school graduation. This Part would allow any student in grade 12 in the 2020-2021 school year who has not satisfied this requirement to be eligible to graduate if (i) instruction in cardiopulmonary resuscitation cannot be completed because of the COVID-19 emergency and (ii) the student is eligible to graduate in all other respects as determined by the student's principal.

PART V: Revise Annual Census of School Resource Officers

CURRENT LAW and BILL ANALYSIS: The Center for Safer Schools (Center) must conduct an annual census of school resource officers in each public school unit and must submit this information in a report to the JLEOC and the SBE by March 1 of each year.

This Part clarifies that each public school unit must report the required information to the Center by January 15 of each year and the Center must then compile the information and submit the statewide and local level details to JELOC and the SBE.

PART VI: Charter School Application Fee

CURRENT LAW and BILL ANALYSIS: The SBE must establish reasonable fees between \$500 and \$1,000 for initial and renewal charter applications. This Part would direct the SBE to establish a fee of \$1,000 for initial and renewal charter applications.

PART VII: Lifetime Licensure Requirements for Professional Educators

CURRENT LAW and BILL ANALYSIS: A teacher is eligible for a "lifetime license" that requires no renewal after the individual has completed 30 or more years as a licensed teacher and completed 30 or more years of creditable service with the Teachers' and State Employees' Retirement System.

This Part provides that the SBE must issue a lifetime license to individuals who are currently licensed as professional educators (this includes teachers, administrators, and student services personnel) who have met 1 of the following requirements:

- Completed 30 or more years of creditable service with the Teachers' and State Employees' Retirement System.
- Completed a combined total of 30 or more years of employment as a licensed teacher, administrator, or student services personnel in one or more public school unit in the State.

PART VIII: Combine Education and Workforce Innovation and CTE Grade Expansion Programs

CURRENT LAW: The North Carolina Education and Workforce Innovation Commission (Commission) develops and administers the Education and Workforce Innovation Program (EWIP) in collaboration with the North Carolina Career and Technical Education Foundation, Inc. (Foundation), and makes awards of grants for the EWIP. The Commission also develops and administers, in coordination with the SBE and the Superintendent of Public Instruction, the Career and Technical Education Grade Expansion Program (CTEGEP) and makes awards of grants for CTEGEP.

BILL ANALYSIS: This Part would combine EWIP and CTEGEP into one program (Combined Program) and specify that charter schools are eligible for the grants. The Commission would continue to collaborate with the Foundation but would publish the combined report on the EWIP and CETGEP on its own. The Commission would award grants for the Combined Program by determining the needs of the State and dividing the grants between innovation grants and grants for grade expansion for career and technical education.

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Of the funds appropriated to DPI for the 2021-2022 fiscal year to the Commission for EWIP and CETGEP, beginning with the 2021-2022 fiscal year, \$3,171,118 in recurring funds must be appropriated to DPI for the Commission for the Combined Program.

PART IX: State Board of Education Required to Use Rulemaking to Adopt Standards for Standard Course of Study

CURRENT LAW: Chapter 150B of the General Statutes is North Carolina's Administrative Procedure Act. Article 2A of Chapter 150B outlines the rulemaking process State agencies must follow.

G.S. 115C-81.5 requires the SBE to adopt a standard course of study, providing, among other things, "a set of competencies, by grade level, for each curriculum area." G.S. 115C-12(9c) goes into more detail about the process the SBE must follow to develop content standards, including surveying parents, teachers, and the public, and ensuring the standards meet certain criteria.

BILL ANALYSIS: This Part would expressly require the SBE to follow the rulemaking process in Chapter 150B of the General Statutes, including in the adoption of the standard course of study. Standards adopted prior to January 1, 2021, could be deemed permanent rules without following the standard rulemaking process, provided that the standards are submitted to the Codifier of Rules within 60 days of the effective date of the section. Standards that do not meet these criteria would need to follow the standard rulemaking process.

PART X: Bonuses for Teachers and Instructional Personnel at Schools Governed under Article 9C

BILL ANALYSIS: This part directs DPI to administer, within funds available, a bonus of \$350.00 to each individual who is employed as a teacher or instructional support personnel as of April 1, 2021, at a school governed under Article 9C of Chapter 115C of the General Statutes. These schools are: (i) the Governor Morehead School for the Blind; (ii) the Eastern North Carolina School for the Deaf; and (iii) the North Carolina School for the Deaf.

EFFECTIVE DATE: Except as provided in the bill, the bill becomes effective when it becomes law.

**This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*