



SENATE BILL 450: Various Education Changes.

2021-2022 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 22, 2021
Introduced by:	Sens. Lee, Ballard, Barnes	Prepared by:	Kara McCraw Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: *Senate Bill 450 would require the following:*

- *Installation of carbon monoxide alarm and detection systems in existing public school buildings.*
- *Clarify testing requirements for nonpublic schools.*
- *Require municipalities to provide water, sewer, or water and sewer services to properties used as charter school facilities when certain conditions are met, and require municipalities to grant qualifying voluntary annexation petitions for those properties.*

SECTION 1: CARBON MONOXIDE ALARMS AND DETECTION SYSTEMS

CURRENT LAW: Under G.S. 115C-525, public school buildings have to be inspected at least twice each year to ensure that the building and all heating, mechanical, electrical, gas, and other equipment and appliances are properly installed and maintained in a "safe and serviceable manner as prescribed by the North Carolina Building Code". The School Planning Section at the Department of Public Instruction confirmed that the North Carolina Building Code has specific requirements for carbon monoxide detectors or alarms in schools with gas-fired equipment such as boilers and forced air furnaces or gas-fired appliances such as stoves. Each alarm signal is required to be automatically transmitted to an on-site location that is staffed by school personnel.

BILL ANALYSIS: Senate Bill 450 directs the State Board of Education (SBE) to adopt rules applicable to all public school units that require existing school buildings to be equipped with carbon monoxide alarm and detection systems in accordance with the requirements for new buildings as provided in the Fire Prevention Code of the State Building Code. Existing buildings are not required to be equipped with carbon monoxide and detection systems if such a system would not be required for a new building under the Fire Prevention Code of the State Building Code. The rules adopted by the SBE must require the requirement for carbon monoxide and detection systems to take place no later than July 1, 2023.

SECTION II: NONPUBLIC SCHOOL TESTING REQUIREMENTS

CURRENT LAW: Article 39 of Chapter 115C establishes the requirements for private church schools, schools of religious charter, and qualified nonpublic schools. One of those requirements is required testing in grades three, six, nine, and eleven. The test must be a nationally standardized test or other nationally equivalent measure selected by the school. In grades three, six, and nine, the test must measure achievement in English grammar, reading, spelling, and mathematics. In grade eleven, the test must measure competencies in verbal and quantitative areas.

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For nonpublic schools that receive Opportunity Scholarships, the standardized tests must be administered annually to scholarship students, and must measure achievement in the areas of English grammar, reading, spelling, and mathematics.

BILL ANALYSIS: SB 450 would change the requirements for all nonpublic school testing in grade nine to allow test that measured either (i) achievement in the areas of English grammar, reading, spelling and mathematics or (ii) competencies in the verbal and quantitative areas.

For nonpublic schools required to administer annual testing to Opportunity Scholarship recipients, the bill would require testing in grades three through eight that measures achievement in the areas of English grammar, reading, spelling and mathematics, and testing in grades nine through twelve that measures either (i) achievement in the areas of English grammar, reading, spelling and mathematics or (ii) competencies in the verbal and quantitative areas.

This section would apply beginning with the 2021-2022 school year.

SECTION III: MUNICIPAL WATER AND SEWER SERVICES FOR CHARTER SCHOOLS

CURRENT LAW: Article 4A of Chapter 160A establishes the process for annexation of property into a municipality. Part 1 of the Article establishes the process to petition for voluntary annexation of contiguous territory. Part 4 of the Article establishes the process to petition for voluntary annexation of noncontiguous territory.

Article 16 of Chapter 160A establishes the authority and requirements for municipal public enterprises, including water and sewer services. Cities are authorized to operate public enterprises to furnish services to the city and its citizens, and may also operate public enterprises within reasonable limitations outside of the corporate limits.

BILL ANALYSIS: SB 450 would require a municipality to provide water, sewer, or water and sewer services to any property owned or leased for use as a charter school facility for an approved charter school upon request of the property owner if the following requirements are met:

- The municipality has available capacity in the requested service or services.
- The property owner agrees in writing to the requirements contained in a utility extension agreement established by the municipal governing board.
- The property owner agrees to payment of all costs for extending the requested services.

With the property owner's written permission, a developer could also make the same request and agreements to pay the costs for these services.

For property not located within the municipal limits, the owner of the charter property could also petition for annexation. The municipality would be required to grant the petition if the charter property was otherwise eligible for annexation under the statutes providing for voluntary annexation of contiguous or noncontiguous territory.

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

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