



# HOUSE BILL 8: Various Statutory Changes.

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	September 25, 2023
<b>Introduced by:</b>	Reps. Paré, Torbett, Blackwell, Hardister	<b>Prepared by:</b>	Samantha Yarborough Staff Attorney
<b>Analysis of:</b>	Ratified Edition		

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**OVERVIEW:** *House Bill 8 would do the following:*

- *Require the State Board of Education (SBE) to establish a computer science graduation requirement.*
- *Require public school units to offer computer science instruction to students in middle and high school.*
- *Require constituent institutions of The University of North Carolina and community colleges to be accredited by a regional accrediting agency and prohibit those institutions from using the same accrediting agency for consecutive accreditation cycles.*
- *Create a cause of action that each institution may use when someone makes a false statement about the institution to its accrediting agency that causes the institution's accreditation to be reviewed.*
- *Require the Board of Governors of The University of North Carolina to establish a commission to study alternatives to the current accreditation process.*
- *Require all faculty hired by or appointed to the School of Civic Life and Leadership at the University of North Carolina at Chapel Hill to be approved by the dean of the School.*
- *Create civil penalties for publishers and distributors of material harmful to minors for failure to perform age verification.*
- *Make additional conforming changes.*

## **SECTIONS 1-3: COMPUTER SCIENCE GRADUATION REQUIREMENT**

**CURRENT LAW:** G.S. 115C-12(9d) grants the SBE the power to develop exit standards required for graduation from high school. The statute requires the SBE to include successful completion of CPR instruction and a passing grade in a Founding Principles of the United States of America and the State of North Carolina course. Additionally, G.S. 115C-81.65 requires that the SBE include a passing grade in an Economics and Personal Finance course as a graduation requirement. S.L. 2020-78 requires that the SBE establish as a graduation requirement that each student complete one art credit between grades 6 and 12.

The SBE has established the Future-Ready Course of Study requiring 22 credits to graduate from high school, including:

- 4 English credits.
- 4 Mathematics credits.
- 4 Social Studies credits as follows: Founding Principles, Economics and Personal Finance, American History, and World History.
- 3 Science credits as follows: 1 physical science, Biology, and 1 earth/environmental science.
- 1 Health and Physical Education credit, including successful completion of CPR instruction.

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# House Bill 8

Page 2

- 2 Elective credits of any combination of the following: Career and Technical Education (CTE), Arts Education, World Language.
- 4 Elective credits from the following: CTE, ROTC, Arts Education, or any other subject area.

**BILL ANALYSIS:** Section 1 would require the SBE to establish a computer science graduation requirement. The computer science course would not fulfill an English, mathematics, science, or social studies credit. When establishing the computer science requirement, the SBE would be required to maintain the 22 credits required for graduation by decreasing the number of required elective credits from 6 to 5. The requirement would begin with students entering the 9th grade in the 2024-2025 school year.

Students enrolling in a public high school in North Carolina after completion of the 11th grade would be exempt from the requirement. The SBE would not enforce the computer science graduation requirement for any student whose individualized education program (IEP) states that the student's disability would prevent the student from completing the requirement.

Section 2 would require the SBE to include computer science instruction in the standard course of study. Computer science would be defined as the study of computers and algorithmic processes, including their (i) principles, (ii) hardware and software designs, (iii) implementation, and (iv) impact on society.

Each public school unit (PSU) would be required to offer (i) an elective introductory computer science course to middle school students and (ii) a computer science course that fulfills the graduation requirement for high school students. The course fulfilling the graduation requirement could be offered to middle school students as well.

The SBE would be required to develop a list of approved courses to be offered to middle and high school students and post it on the Department of Public Instruction's (DPI) website. The list of computer science courses fulfilling the graduation requirement would be published by July 1, 2023. The list of introductory courses would be published by January 1, 2025.

For the 2024-2025 and 2025-2026 school years only, PSUs could receive a waiver of the computer science requirements if they submit a signed notification to DPI stating that no computer science course was available to students. This would also waive the graduation requirement for students entering 9th grade in the year the notice was submitted. DPI would be required to maintain a list of PSUs that submitted a notification.

Sections 2.5 and 2.6 would make various changes to conform with the 2023 Appropriations Act, if House Bill 259, 2023 Regular Session, becomes law.

Section 3 would extend the requirements of computer science instruction to all PSUs.

## **SECTIONS 3.1-3.4: REVISE HIGHER EDUCATION ACCREDITATION PROCESS**

**CURRENT LAW:** To be eligible to receive federal financial aid funds under Title IV of the Higher Education Act (20 U.S.C. 1070 et. seq.), postsecondary institutions must be accredited by an accrediting agency or association recognized by the United States Department of Education (U.S. ED). Title IV programs include Pell Grants, direct student loans, and Perkins loans.

G.S. 115D-5(a) requires the State Board of Community Colleges (SBCC) to ensure that all community college faculty meet the standards set by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

G.S. 116-280 allows students at private institutions of higher education accredited by SACSCOC or the New England Association of Schools and Colleges, or previously accredited by SACSCOC but now a

# House Bill 8

Page 3

member of the Transnational Association of Christian Colleges and Schools, to be eligible for need-based scholarship grants.

**BILL ANALYSIS:** Sections 3.1 and 3.2 would require the Board of Governors of The University of North Carolina (BOG) and the SBCC to adopt policies requiring that each constituent institution and community college (institutions) be accredited in accordance with the following:

- Each institution would be prohibited from using the same accrediting agency for consecutive accreditation cycles.
- When choosing a new accrediting agency, an institution would be required to seek accreditation from a regional accrediting agency. If no regional accrediting agency has granted candidacy status at least three years before the institution's current accreditation would expire, the institution would be able to stay with its current accrediting agency for an additional accreditation cycle.
- The requirements to use a regional accrediting agency and to change accrediting agencies every accreditation cycle would not apply to any professional, graduate, departmental, or certificate program that has specific accreditation requirements, as identified by the BOG and SBCC, respectively.

Sections 3.1 and 3.2 would also create a cause of action that would allow an institution to bring a civil action against any person who makes a false statement to the institution's accrediting agency, if all of the following apply:

- If true, the statement would mean that the institution is out of compliance with the applicable accrediting standards.
- The person knew, or recklessly disregarded whether, the statement was false.
- The accrediting agency conducted a review of the institution because of the statement.
- The review caused the institution to incur costs.

If an institution is successful in suing someone under this cause of action, it is entitled to any costs related to the review conducted by the accrediting agency, reasonable attorney fees, and court costs.

Section 3.3 would require the BOG to establish a commission to study alternatives to the current accreditation process. The BOG would invite stakeholders, including stakeholders from other states, to participate. The BOG would report to the Joint Legislative Education Oversight Committee by January 1, 2024, on its efforts to recruit stakeholders and the commission would report any findings it develops by September 1, 2024.

Section 3.4 would make additional conforming changes that supplement or remove specific references to the SACSCOC from the General Statutes.

**BACKGROUND:** 34 CFR § 600.11(a) states that U.S. ED does not recognize the accreditation of an institution that is changing accreditors unless the institution has reasonable cause for changing and receives U.S. ED approval to change. U.S. ED has issued guidance stating that the following factors will be considered when determining whether an institution has reasonable cause: (i) the institution's stated reason for the proposed change, (ii) whether the institution is seeking to have less oversight or rigor, or evade inquiries or sanctions, (iii) whether the change will strengthen institutional quality, (iv) whether the new accreditor's standards more closely align with the institution's mission, (v) whether the new accreditor has been subject to U.S. ED action, and (vi) whether the membership in the accreditor is voluntary.

## **SECTION 3.10: SCHOOL OF CIVIC LIFE AND LEADERSHIP FACULTY APPROVAL**

# House Bill 8

Page 4

**BILL ANALYSIS:** Section 3.10 would require that all faculty hired by or appointed to the School of Civic Life and Leadership at the University of North Carolina at Chapel Hill, as established by the 2023 Appropriations Act (House Bill 259), would be subject to the approval of the dean of the School, if House Bill 259, 2023 Regular Session, becomes law.

## **SECTION 3.20: AGE VERIFICATION FOR ACCESS TO MATERIALS HARMFUL TO MINORS**

**CURRENT LAW:** G.S. 14-190.13 defines "harmful to minors" as the quality of any material (defined as a picture, drawing, video recording, film, or other visual depiction or representation not consisting entirely of written words) or performance that depicts sexually explicit nudity or sexual activity that, taken as a whole, has the following characteristics:

- When applying the contemporary community standards, the average adult would find that it has a predominant tendency to appeal to the prurient interest of minors in sex.
- When applying the contemporary community standards, the average adult would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors.
- The material or performance lacks serious literary, artistic, political, or scientific value for minors.

G.S. 14-190.14 makes it a Class 2 misdemeanor for a person having custody, control, or supervision of a commercial establishment who knows the character or content of the material to display material harmful to minors by displaying material harmful to minors at an establishment that is open to view by minors as part of the invited general public. G.S. 14-190.15 makes it a Class 1 misdemeanor to disseminate material harmful to minors by selling, furnishing, presenting, or distributing the material to a minor or allowing a minor to review or peruse the material. It is also a Class 1 misdemeanor to exhibit a harmful live performance to a minor.

**BILL ANALYSIS:** Section 3.20 would enact the "Pornography Age Verification Enforcement Act" or PAVE Act, requiring commercial entities that publish or distribute material harmful to minors on internet websites to verify that a person seeking to access the material is 18 by requiring the person to comply with a commercial age verification system. The commercial entities and any third party providing age verification services would be prohibited from retaining any identifying information of an individual after access has been granted to the material.

Section 3.20 would create a cause of action against commercial entities and third party age verification service providers for the following:

- A parent or guardian whose minor was allowed to access the material harmful to minors.
- Any person whose identifying information is retained in violation of the PAVE Act.

A court may award any of the following types of relief in the civil action:

- An injunction to enjoin continued violation of the PAVE Act.
- Compensatory and punitive damages.
- All costs, expenses, and fees related to the civil suit investigation and proceedings associated with the violation, including attorneys fees.

The PAVE Act does not apply to any news gathering organization or create liability for any internet service provider to the extent that the provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

# House Bill 8

Page 5

This section becomes effective January 1, 2024, and applies to websites accessed on or after that date.

**EFFECTIVE DATE:** Except as otherwise provided, House Bill 8 becomes effective when it becomes law.

*Susan Sitze, attorney with the Legislative Analysis Division, substantially contributed to this summary.*