



2017-2018 Legislation of Note

Enacted Bills Thus Far

H13, Class Size Requirement Changes

- Modifies a provision in the 2016 state budget mandating further reductions in K-3 class size and calls for a two-year phase-in that lawmakers have pledged to supplement with new funding for enhancement teachers in 2018-19 when class sizes will dip again.
- Provides that for the 2017-2018 school year, the average class size for kindergarten through third grade must not exceed 20 students, while the size of an individual class may not exceed 23 students.
- Beginning with 2018-2019, the average class size for kindergarten through third grade cannot exceed the funded allotment ratio of teachers to students in those grades. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten through third grade cannot exceed the allotment ratio by more than three students. The funded class size allotment ratios for kindergarten through third grade, beginning with the 2017-2018 school year, are as follows:
 - For kindergarten, one teacher per 18 students.
 - For first grade, one teacher per 16 students.
 - For second grade, one teacher per 17 students.
 - For third grade, one teacher per 17 students.
- Contains some additional bi-annual reporting requirements aimed at ensuring school districts are complying with the reduction of K-3 class size. Those reporting requirements include:
 - For each class in each grade level at each school the following:
 - The duties of the teacher.
 - The source of funds used to pay for the teacher.
 - The number of students assigned to the class, including all exceptions to individual class size maximums in kindergarten through third grade that exist at that time.
 - The district average class size in each grade K-3.
 - For each school the following:
 - The number of program enhancement teachers, defined as those who teach arts disciplines including dance, music, theater, and the visual arts, physical education and health programs, or world languages
- The legislation does not change for what circumstances a district may request a class size waiver from the State Board of Education; however, waivers granted by the Board would not become effective until reported to the Joint Legislative Commission on Governmental Operations, and would be required to be reported within 30 days of the grant of the waiver.

H142, Reset of S.L. 2016-3

- Repeals Session Law 2016-3, primarily known as “HB2”. That law required single sex multiple occupancy bathrooms and changing facilities in public schools and public agencies.
- Preempts regulation of access to multiple occupancy restrooms, showers, or changing facilities by any State or local government.
- Prohibits a local government from enacting or amending an ordinance regulating private employment practices or regulating public accommodations. This section expires December 1, 2020.

Policy Bills Meeting the 2017 Crossover Deadline

“Crossover” is that date self-imposed by the General Assembly by which statewide **policy** bills must pass from one chamber to the other to keep them eligible for action in the 2017-2018 Legislative Session. The Crossover deadline does not apply to bills which require funding appropriations.

APPROPRIATIONS/BUDGET

H6, Ed. Finance Reform Task Force/PED Report (included in H budget)

- Establishes the Joint Legislative Task Force on Education Finance Reform
- The Task Force would be charged with studying various weighted student formula funding models and develop a new funding model for the elementary and secondary public schools of North Carolina

ACCOUNTABILITY/TESTING

H90, Eliminate NC Final Exam

- Eliminates the NC Final Exam and analysis of student work to assess teacher performance and professional growth as part of the North Carolina Teacher Evaluation System.

H322, School Performance Grades

- Increases the weight of school growth in the calculation of school performance scores so that school achievement score and school growth scores each account for 50% of the total sum for the school’s performance score and grade.

H458, School Annual Report Card (included in H budget)

- Amends the A-F School Performance Grade to provide for two separate grades, one for achievement and one for growth.

H751, Career And College Ready/High School Grads (included in H budget)

- Requires all students who receive a high school diploma endorsement to demonstrate a certain level of reading achievement.

H826, Modify Low-Performing School Definition (included in H budget)

- Removes schools that receive a school performance grade of a “D” or “F” which “met expected growth” from the definition of low-performing schools.

CALENDAR

H375, School Calendar Flex./CC

- Authorizes LEAs to schedule its start date in order to coincide with the start date of a community college serving the city or county of the LEA, but no earlier than August 15.

H389, School Calendar Flexibility Pilot Program (included in H budget)

- Would authorizing pilot calendar flexibility for 20 LEAs and allow those LEAs to start school no earlier than August 10 for three school year.

CHARTER SCHOOLS & HOME SCHOOLS

H514, Permit Municipal Charter Schools/Certain Towns

- Allows the towns of Matthews and Mint Hill to apply to open charter schools

H779, Charter School Changes

- Provides that enrollment growth of greater than 30% is to be considered a material revision of a charter that would require approval by the SBE.
- Adds another enrollment priority category for students who were enrolled in another charter school in the State in the previous school year.
- Clarifies that charter schools may operate NC Pre-K programs

H800, Various Changes to Charter School Laws

- Allows for priority enrollment for children of employees of a charter partner of up to 50% of the school. Charter partners would provide capital or technology assistance to the charter school.
- Allows teachers to be employed by an EMO rather than directly by the charter board of directors.
- Provides that decisions be completed in less than 90 days from the application submission date for fast track replications.

CURRICULUM

H97, Arts Education Requirement (included in H budget)

- Directs the State Board of Education to require one arts education credit for graduation from high school beginning with students entering the sixth grade in 2020.

H534, Computer Coding Course Elective

- Requires the State Board of Education to develop and identify courses in computer programming and coding that can be offered as an elective course in middle school and high school.

H833, Driver Education Oversight/Lane Departure

- Establish an Office of Driver Education Services to administer the driver education program in the Department of Public Instruction.
- Directs the Department of Public Instruction to study the advisability of adding lane departure to the actual driving portion of the driver education curriculum.

FACILITIES/PURCHASING

H600, School Construction Flexibility

- Provides for additional flexibility to LEAs to enter into leases for school buildings and other facilities and revise the procedures for Qualified Zone Academy Bonds.

GOVERNANCE

H704, Divide School Systems/Study Committee

- Establishes a Joint Legislative Study Committee to study the division of LEAs.

S531, School Boards Can't Sue Counties (included in S budget)

- Repeals the statutory authority for a LEA to file a legal action challenging the sufficiency of funds appropriated to it by the Board of County Commissioners.

PERSONNEL

H155, Modify Educator Licensure Requirements

- In addition to substitute teaching, this bill would allow a retired teacher with 30-years of experience to also qualify for continuing licensure if he or she engages in a part-time position providing any of the following services: classroom instruction, tutoring, mentoring teachers, modeling, demonstration lessons for teachers, writing curricula, developing and leading staff development programs for teachers, or working in after-school programs.
- Allows a retired principal or assistant principal to serve as interim principal for the remainder of the school year, regardless of current licensure status.

H634, Private Alternative Teacher Preparation (included in H budget)

- Authorizes the State Board of Education to approve alternative, private, for-profit, or non-profit lateral entry programs.

H681, Teacher Licensure/Military Spouses

- Decreases the burden on military spouses in obtaining N.C. teacher licenses by creating an exemption to testing requirements in certain circumstances, directing the State Board to develop procedures to streamline the lateral entry process, and directing the Department of Public Instruction to study the feasibility of expediting the processing of military spouse licensure applications.

S169, Teaching Excellence Bonus Expansion

- Provides for bonuses to certain teachers who, but for no longer teaching certain grades or courses, would have received bonuses under the Third Grade Teacher Performance Pilot Program or Advanced Placement/International Baccalaureate Teacher Bonus Pilot Program established in the 2016 budget.

S448, Professors in the Classroom

- Authorize LEAs to employ higher education faculty members to serve as adjunct instructors for core academic subjects without the faculty members having to obtain a teaching license.

STATE HEALTH PLAN

H24, Study Unfunded Liability/Retiree Health Fund

- Establishes Joint Legislative Committee on the Unfunded Liability of the Retiree Health Benefit Fund to study options for reducing the unfunded liability of the Fund.
- For the purposes of reducing the unfunded liability, the Committee must examine: increasing assets in the Retiree Health Benefit Fund through appropriation; increasing the costs of the retiree benefits borne by the federal government; reducing the State's future liability by transitioning to a different model; reducing the number of persons eligible for retiree benefits; requiring employees to contribute to the Retiree Health Benefit; increasing the amount that retirees pay for health benefits; and any other proposals to reduce the unfunded liability.

STUDENT SAFETY

S55, School Bus Cameras/Civil Penalties

- Authorizes counties to adopt ordinances imposing civil penalties for passing a stopped school bus.
- Authorizes local boards of education to install and operate automated school bus safety cameras themselves, or to contract with vendors for the installation and operation of the cameras.

TAX & REVENUE

S75, Const. AMD.- Max. Income Tax Rate of 5.5%

- Would put before voters in November 2018 an amendment to the NC Constitution to cap the tax on both personal and corporate incomes at 5.5%. The cap is currently 10%.

Other Bills To Watch In 2017

Although the following legislation did not meet the Crossover deadline, they could still emerge as policy later this session either in the budget, or as standalone legislation due to parliamentary maneuvering.

H117, Protect Students In Schools

- Requires LEAs to check all applicants for a criminal history using a consumer reporting agency, Department of Public Safety, or both prior to unconditional employment.

H339/S252, North Carolina Teaching Fellows (included in H and S budgets)

- Re-establishes the NC Teaching Fellows Program to provide forgivable loans to students preparing to be licensed teachers in STEM subject areas and special education.

H583, Pay-As-You-Go Capital & Infrastructure Fund (included in H budget)

- Creates the State Capital and Infrastructure Fund that will utilize debt service saving for the purpose of additional debt service obligations, capital improvements, economic development, and early debt repayment.

S159/S254, Access To Sports/Extracurr. Certain Students

- Would allow students at a private school or home school that does not have an interscholastic athletics program in a given sport to participate in that sport at the "base public high school", or the high school closest to the base school if the base school does not offer the particular sport. In addition, if a public school did not have a certain sports team, a public high school student, presumably including a charter school student, could participate in that sport at the high school closest to the student's school which has that program.
- The bills additionally have provisions, substantially similar to the interscholastic athletics provisions outlined above, that would allow a high school student at a private school, home school, or charter school, to participate in extracurricular activities at a public high school if their school does not offer the particular extracurricular activity.

S234, SBA Pay/Needs-Based Pub. Sch. Capital Fund (partially included in S plan)

- Provides a 7% increase for principals, but provides principal funds in a block grant, while providing a 13% increase tied to the teacher "A" scale for assistant-principals. All new funds expended under these plans will be from Lottery revenue.
- Provides for a new capital fund for the State's neediest counties.

S291, NCVPS/Equal Access To Education

- Provides equal access for private and home school students to be eligible for courses and charged the same rate public school students by the North Carolina Virtual Public School programs. Appropriates funding for this.

S447, Turning TAs Into Teachers (Included in S budget)

- Expands the teacher assistant tuition reimbursement pilot program established in last year's budget legislation to include 10 additional LEAs.

S467, North Carolina Retirement Reform (Partially included in S budget)

- Eliminates TSERS' Retirement System (pension) for personnel hired beginning July 1, 2018 and directs those hires to the North Carolina 401(k) Plan or North Carolina 457 Plan.
- Eliminates Retiree Medical Insurance for new hires after July 1, 2018.

S517, North Carolina New Teacher Support Act

- Provides for highly qualified graduates to be paid at a higher experience level on the teacher salary schedule when meeting certain qualifications, and providing for reimbursement of the fee for initial teacher licensure for successful applicants who are graduates of in-state educator preparation programs.

S542/H866, Public School Building Bond Act of 2017

- Provides for a \$1.9 Billion general obligation bonds of the State for the purpose of providing funds for public school facilities through grants to counties for public school capital outlay projects.

S562, Local Funds For Charter Schools

- Requires a Board of County Commissioners to appropriate a per pupil amount of funds to a charter school for each student enrolled in the charter school who resides in a LEA in that county.

S598, Future Teachers Of North Carolina (included in S budget)

- Establishes "Future Teachers of North Carolina" as a high school course offering to encourage high-achieving students with strong academics, interpersonal, and leadership skills to consider teaching as a career.

S599, Excellent Educators For Every Classroom

- Establishes the Professional Educator Preparation and Standards Commission
- Authorizes the expansion of educator preparation programs
- Phases out lateral entry licensure and replaces with "residency licensure"

S603, Exceptional Educ. For Exceptional Children (included in S budget)

- Establishes Education Savings Accounts for exceptional children (children with disabilities)
- Appropriates \$20M

S658, Charter School Funds

- Requires Boards of County Commissioners to determine the method of providing county funds to charter schools which may include methods for direct appropriation of county funds for the operation of the charter school, appropriation of county funds to a charter school for capital outlay purposes, or appropriation of county funds to local school administrative units that transfer funds to a charter school for students who reside in the local school administrative unit.
- If applicable, would require LEAs to share the following additional “Fund 8” monies with charter schools:
 - (1) Moneys received for indirect costs.
 - (2) Reimbursements, except for Medicare and Medicaid reimbursements.
 - (3) Sales tax revenues regardless of how they are distributed.
 - (4) Gifts and grants not subject to the certain restrictions
 - (5) Federal grants and appropriations made directly to local school administrative units.