

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 159
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Short Title: Education Law Changes.

(Public)

Sponsors:

Referred to:

March 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:
4

5 **PART I. REMOVE CODIFIED REFERENCE TO POWERSCHOOL**

6 **SECTION 1.** G.S. 115C-12(18)e. reads as rewritten:

7 "e. When practicable, reporting requirements developed by the State
8 Board of Education as part of the Uniform Education Reporting
9 System under this subdivision shall be incorporated into the
10 ~~PowerSchool application or any other component of the Instructional~~
11 ~~Improvement System—student information system~~ to minimize
12 duplicative reporting by local school administrative units."
13

14 **PART II. MODIFY SCHOOL CRISIS KIT REQUIREMENTS**

15 **SECTION 2.** G.S. 115C-105.52 reads as rewritten:

16 **"§ 115C-105.52. School crisis kits.**

17 The Center for Safer Schools, in consultation with the Department of Public Safety and the
18 Department of Public Instruction, Division of School Operations, may develop and adopt policies
19 on the placement of school crisis kits in schools and on the contents of those kits. The kits should
20 include, at a minimum, basic first-aid ~~supplies, supplies and communications devices, and other~~
21 ~~items recommended by the International Association of Chiefs of Police devices.~~

22 The principal of each school, in coordination with the law enforcement agencies that are part
23 of the local board of education's School Risk Management Plan, may place one or more crisis
24 kits at appropriate locations in the school."
25

26 **PART III. SCHOOL NUTRITION CHANGES**

27 **SECTION 3.(a)** The title of Part 2 of Article 17 of Chapter 115C of the General
28 Statutes reads as rewritten:

29 "Part 2. ~~Food Service~~. School Nutrition."

30 **SECTION 3.(b)** G.S. 115C-263 reads as rewritten:



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1 **"§ 115C-263. ~~Required provision of~~ School nutrition services.**

2 (a) As a part of the function of the public school system, local boards of education shall
3 provide to the extent practicable school ~~food-nutrition~~ services in the schools under their
4 jurisdiction. All school ~~food-nutrition~~ services made available under this authority shall be
5 provided in accordance with ~~standards and regulations recommended by the Superintendent of~~
6 ~~Public Instruction and approved by the State Board of Education,~~ federal guidelines established
7 by the Food and Nutrition Service of the United States Department of Agriculture.

8 (b) The State Board of Education may adopt rules regulating the provision of school
9 nutrition services that impose additional restrictions that are not inconsistent with the federal
10 guidelines."

11 **SECTION 3.(c)** G.S. 115C-264 reads as rewritten:

12 **"§ 115C-264. Operation.**

13 (a) ~~In the operation of their public school nutrition programs, the public schools-Local~~
14 ~~boards of education operating school nutrition programs shall participate in the National School~~
15 ~~Lunch Program established by the federal government. The program-School nutrition programs~~
16 ~~shall be under the jurisdiction of the Division of School Support, Child Nutrition Services~~
17 ~~Nutrition of the Department of Public Instruction and in accordance with federal guidelines as~~
18 ~~established by the Food and Nutrition Service of the United States Department of~~
19 ~~Agriculture-Instruction.~~

20 (b) For nutritional purposes, ~~the public schools~~ shall not (i) ~~use~~ do any of the following:

21 (1) Use cooking oils in their school ~~food-nutrition~~ programs that contain
22 trans-fatty acids or (ii) sell acids.

23 (2) Sell processed foods containing trans-fatty acids that were formed during the
24 commercial processing of the foods.

25 (c) All school ~~food-nutrition~~ services shall be operated on a nonprofit basis, and any
26 earnings therefrom over and above the cost of operation as defined herein shall be used to reduce
27 the cost of food, to serve ~~better~~ more nutritious food, or to provide free or reduced-price ~~lunches~~
28 ~~meals to indigent-economically disadvantaged~~ children and for no other purpose. The term "cost
29 of operation" means the actual cost incurred in the purchase and preparation of food, the salaries
30 of all personnel directly engaged in providing ~~food-nutrition~~ services, and the cost of nonfood
31 supplies as outlined under standards adopted by the State Board of Education. "Personnel" means
32 ~~child-school~~ nutrition supervisors or directors, bookkeepers or other staff directly engaged in
33 ~~food-service-nutrition services record keeping-keeping,~~ and those persons directly involved in
34 preparing and serving food. ~~Child-School~~ nutrition personnel shall be paid from the funds of ~~food~~
35 ~~services-the school nutrition program~~ only for services rendered in-on behalf of the ~~child-school~~
36 nutrition program. Any cost incurred in the provisions and maintenance of school ~~food-nutrition~~
37 services over and beyond the cost of operation shall be included in the budget request filed
38 annually by local boards of education with boards of county commissioners. ~~Public schools-Local~~
39 ~~boards of education~~ are not required to comply with G.S. 115C-522(a) in the purchase of supplies
40 and food for such school ~~food-nutrition~~ services."

41 **SECTION 3.(d)** G.S. 115C-264.2 reads as rewritten:

42 **"§ 115C-264.2. Vending machine sales.**

43 (a) Each school may, with the approval of the local board of education, sell to students
44 beverages in vending machines during the school day ~~so long as if the following requirements~~
45 are met:

46 (1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at
47 elementary schools, or (iii) contrary to the requirements of the National
48 School Lunch ~~Program;Program.~~

49 (2) Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks,
50 are not offered for sale ~~in middle schools;until 30 minutes after the end of the~~
51 school day.

- (3) ~~Not more than fifty percent (50%) of the offerings for sale to students in high schools are sugared carbonated soft drinks;~~
- (4) Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft ~~drinks; and drinks.~~
- (5) Bottled water products are available in every school that has beverage vending.

(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter policies with respect to beverage vending.

(c) ~~Snack vending in all schools shall, by school year 2006-2007, shall meet the Proficient Level of the NC Eat Smart Nutrition Standards, such that in standards for competitive foods and beverages established by the Food and Nutrition Service of the United States Department of Agriculture. In elementary schools, no snack vending is shall not be available to students, and in middle and high schools, seventy-five percent (75%) of snack vending products have shall not have more than 200 calories per portion or snack vending package."~~

SECTION 3.(e) G.S. 115C-264.3 is repealed.

PART IV. REMOVE REFERENCE TO REGIONAL CASE MANAGERS

SECTION 4. Section 5(b) of S.L. 2021-8 reads as rewritten:

"SECTION 5.(b) Regional ~~case managers, directors,~~ or other appropriate staff as determined by the Department of Public Instruction, shall work to ensure that the standards developed by the State Board are implemented statewide by reviewing the curriculum and instruction methods of each local school administrative unit in each service area and by consulting with each local school administrative unit as needed to bring literacy instruction into compliance. Review and modification of all literacy instruction statewide shall be complete no later than November 15, 2023. Modifications shall be implemented into curriculum and instruction as soon as possible, and all curriculum and instruction as modified under this section shall be in place beginning with the 2024-2025 school year."

PART V. EXTEND PRINCIPAL LICENSE EXEMPTION

SECTION 5. Section 1(c) of S.L. 2021-170 reads as rewritten:

"SECTION 1.(c) To be eligible for the waiver in subsection (b) of this section, an individual shall meet the following criteria prior to being licensed as a school administrator:

- (1) ~~Prior to August 31, 2022, August 31, 2024,~~ the individual completed at least one course as part of a master's degree program or a post-master's certificate designed for school administrators that was offered by an educator preparation program approved by the State Board of Education.
- (2) The individual completed a master's degree program or a post-master's certificate designed for school administrators that is offered by an educator preparation program approved by the State Board of Education.
- (3) The individual meets all licensure requirements in State law, rule, or policy not otherwise waived by this section."

PART VI. REVISE ALLOWABLE LITERACY FUND USES

SECTION 6. G.S. 115D-31(b1) reads as rewritten:

"(b1) A local community college may use all State funds allocated to it, except for Literacy funds and Customized Training funds, for any authorized purpose that is consistent with the college's Institutional Effectiveness Plan. ~~The State Board of Community Colleges may authorize a local community college to use up to twenty percent (20%) of the State Literacy funds allocated to it to provide employability skills, job-specific occupational and technical skills, and developmental education instruction to students concurrently enrolled in an eligible community college literacy course.~~ Each local community college shall include in its Institutional

Effectiveness Plan a section on how funding flexibility allows the college to meet the demands of the local community and to maintain a presence in all previously funded categorical programs."

PART VII. CONFORM APPRENTICESHIP TO FEDERAL LAW

SECTION 7.(a) G.S. 115D-11.10 reads as rewritten:

"§ 115D-11.10. Definition of an apprentice.

The term "apprentice" means a person at least 16 years of age who is covered by a written apprenticeship agreement approved ~~by for~~ the Apprenticeship Council, ~~which Council by the~~ Director. ~~The apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for the person for his or her participation in an approved schedule of work experience shall provide for a term of apprenticeship measured by a time-based, competency-based, or hybrid approach, as required by 29 C.F.R. § 29.5, and for organized, related supplemental instruction in technical subjects related to the trade. A minimum of 144 hours of related supplemental instruction for each year of apprenticeship is recommended. The required hours measures for apprenticeship agreements and the recommended hours for related supplemental instruction may be decreased or increased in accordance with standards adopted by the apprenticeship committee or sponsor, subject to approval of the State Board of Community Colleges.~~ Colleges, consistent with the requirements of 29 C.F.R. Part 29."

SECTION 7.(b) G.S. 115D-11.11 reads as rewritten:

"§ 115D-11.11. Contents of agreement.

Every apprentice agreement entered into under this Article shall contain:

- (1) The names of the contracting parties.
- (2) The date of birth of the apprentice.
- (3) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.
- (4) A statement showing (i) ~~the number of hours to be spent by the apprentice in work on the job term of apprenticeship and measurement approach, as required by 29 C.F.R. § 29.5,~~ and (ii) the number of hours to be spent in related and supplemental instruction, which is recommended to be not less than 144 hours per year. In no case shall the combined weekly hours of work and of required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age of the apprentice.
- (5) A statement setting forth a schedule of the processes in the trade or industry division in which the apprentice is to be taught and the approximate time to be spent at each process.
- (6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated.
- (7) A statement providing for a period of probation of not more than 500 hours of employment and instruction extending over not more than four months, during which time the apprentice agreement shall be terminated by the Director at the request in writing of either party, and providing that after the probationary period the apprentice agreement may be terminated by the Director by mutual agreement of all parties or canceled by the Director for good and sufficient reason. The Council at the request of a joint apprentice committee may lengthen the period of probation.
- (8) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally in accordance with G.S. 115D-11.9 shall be submitted to the Director for determination.

- (9) A provision that an employer who is unable to fulfill his or her obligation under the apprentice agreement may with the approval of the Director transfer the contract to any other employer; provided, that the apprentice consents and that the other employer agrees to assume the obligations of the apprentice agreement.
- (10) Any additional terms and conditions as may be prescribed or approved by the Director not inconsistent with the provisions of this Article."

PART VIII. PERMIT COMMUNITY COLLEGES TO COLLABORATE WITH PUBLIC AND NONPUBLIC SCHOOLS FOR CERTAIN PROGRAMS

SECTION 8. G.S. 115D-20(4) reads as rewritten:

- "(4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:
- a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with ~~local school administrative units~~ public school units and nonpublic schools to offer courses through the following programs:
- ~~1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.~~
 2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate, diploma, or State or industry-recognized credential and academic transition pathways for qualified freshmen and sophomore high school students that lead to a career technical education certificate or diploma in (i) industrial and engineering technologies, (ii) agriculture and natural resources, (iii) transportation technology, (iv) construction, or (v) business technologies.
 3. College transfer pathways requiring the successful completion of 30 semester credit hours of transfer courses, including English and mathematics, for the following students:
 - I. Qualified junior and senior high school students.
 - II. Qualified freshman and sophomore high school students, if all of the following requirements are met:
 - A. The student is determined to be academically gifted, have a demonstrated readiness for the course material, and have the maturity to justify admission to the community college by (i) the community college president, (ii) the student's high school principal or equivalent administrator, and (iii) the academically gifted coordinator, if one is employed by the high school or local school administrative unit.
 - B. The student participates in academic advising focused on the implications of being admitted to college early with representatives from the high school and the community college.
 - C. The student's parent or guardian has given consent for the student to participate.

- 1 a1. Subject to the approval of the State Board of Community Colleges,
2 local community colleges may collaborate with local school
3 administrative units to offer cooperative innovative high school
4 programs, as provided by Part 9 of Article 16 of Chapter 115C of the
5 General Statutes.
6 b. During the summer quarter, persons less than 16 years old may be
7 permitted to take noncredit courses on a self-supporting basis, subject
8 to rules of the State Board of Community Colleges.
9 c. High school students may be permitted to take noncredit courses in
10 safe driving on a self-supporting basis during the academic year or the
11 summer.
12 d. High school students 16 years and older may be permitted to take
13 noncredit courses, except adult basic skills, subject to rules
14 promulgated by the State Board of Community Colleges."
15

16 **PART IX. NORTH CAROLINA PRINCIPAL FELLOWS AND NORTH CAROLINA**
17 **TEACHING FELLOWS CHANGES**

18 **SECTION 9.(a)** The title for Article 5C of Chapter 116 of the General Statutes reads
19 as rewritten:

20 "North Carolina Principal Fellows ~~and Transforming Principal Preparation Program.~~"

21 **SECTION 9.(b)** G.S. 116-74.41 reads as rewritten:

22 **"§ 116-74.41. North Carolina Principal Fellows ~~and TP3~~ Commission established;**
23 **membership.**

24 (a) There is established the North Carolina Principal Fellows ~~and TP3~~ Commission. The
25 Commission shall exercise its powers and duties independently in its administration of the North
26 Carolina Principal Fellows ~~and Transforming Principal Preparation Program~~ in accordance with
27 this Article. The Director of the Program shall staff the Commission in accordance with
28 G.S. 116-74.49. The State Education Assistance Authority as created in G.S. 116-203 shall be
29 responsible for awarding grants upon selection of the recipients by the Commission in accordance
30 with G.S. 116-74.46 and executing agreements for forgivable scholarship loans, cancelling
31 through service, collecting, and otherwise enforcing the agreements under G.S. 116-74.48.

32 (a1) Repealed by Session Laws 2018-5, s. 10A.3(a), effective July 1, 2018.

33 (b) The Commission shall consist of 15 members appointed as follows:

34 ...

35 (10) The ~~chairperson~~ chair of the Board of the State Education Assistance
36 ~~Authority~~ Authority, or the chair's designee.

37 "

38 **SECTION 9.(c)** G.S. 116-74.41A reads as rewritten:

39 **"§ 116-74.41A. Definitions.**

40 For the purposes of this Article, the following definitions apply:

41 ...

42 (2) Commission. – The North Carolina Principal Fellows ~~and TP3~~ Commission.

43 ...

44 (9) Program. – The North Carolina Principal Fellows ~~and Transforming Principal~~
45 ~~Preparation Program~~ established pursuant to G.S. 116-74.44.

46 ...

47 (13) Trust Fund. – The North Carolina Principal Fellows ~~and TP3~~ Trust Fund
48 established pursuant to G.S. 116-74.41B."

49 **SECTION 9.(d)** G.S. 116-74.41B reads as rewritten:

50 **"§ 116-74.41B. The North Carolina Principal Fellows ~~and TP3~~ Trust Fund.**

(a) Trust Fund Established. – The North Carolina Principal Fellows ~~and TP3~~ Trust Fund shall be an institutional trust fund established pursuant to G.S. 116-36.1. All funds appropriated to, or otherwise received by, (i) the Program for the award of grants pursuant to G.S. 116-74.44, (ii) all funds received as repayment of scholarship loans, including under the former Principal Fellows Program administered under G.S. 116-74.42 and the Transforming Principal Preparation Program under G.S. 116-209.77, and (iii) all interest earned on these funds shall be placed in the Trust Fund.

...."

SECTION 9.(e) G.S. 116-74.44 reads as rewritten:

"§ 116-74.44. North Carolina Principal Fellows and Transforming Principal Preparation Program established; administration.

(a) Established. – There is established the North Carolina Principal Fellows ~~and Transforming Principal Preparation~~ Program as a competitive grant program for eligible entities for the purpose of elevating educators in North Carolina public schools by transforming the preparation of principals across the State and providing for forgivable scholarship loans to the participants of those school leader preparation programs. The Authority shall administer the North Carolina Principal Fellows ~~and Transforming Principal Preparation~~ Program in collaboration with the Commission as set forth in this Article to provide funds for the preparation and support of highly effective future school principals in North Carolina.

...."

SECTION 9.(f) G.S. 116-74.49 reads as rewritten:

"§ 116-74.49. Staff to the Commission.

The Commission shall appoint a director of the North Carolina Principal Fellows ~~and Transforming Principal Preparation~~ Program. The director shall chair and staff the Commission and shall administer the extracurricular enhancement activities of the Program. The University of North Carolina System Office shall provide office space for the Program. The office space shall not be located on the campus of a constituent institution."

SECTION 9.(g) G.S. 116-209.61(b)(3) reads as rewritten:

"(3) The following five members shall serve as ex officio members to the Commission:

- a. The North Carolina Teacher of the Year.
- b. The North Carolina Principal of the Year.
- c. The North Carolina Superintendent of the Year.
- d. The chair of the Board of the State Education Assistance ~~Authority~~ Authority, or the chair's designee.
- e. The Director of the North Carolina Teaching Fellows Program."

PART X. EXPAND NCSSM BOARD OF TRUSTEES

SECTION 10.(a) G.S. 116-233(a) reads as rewritten:

"(a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees of the School, which shall consist of up to ~~30~~ 31 members as follows:

- (1) ~~Thirteen~~ Fourteen members who shall be appointed by the Board of Governors of The University of North Carolina, one from each congressional district.
- (2) Four members without regard to residency who shall be appointed by the Board of Governors of The University of North Carolina.
- (3) Three members, ex officio, who shall be the chief academic officers, respectively, of constituent institutions or the members' designees. The Board of Governors shall in 1985 and quadrennially thereafter designate the three constituent institutions whose chief academic officers or officers' designees shall so serve, such designations to expire on June 30, 1989, and quadrennially thereafter.

- (4) The chief academic officer of a college or university in North Carolina other than a constituent institution, ex officio, or the chief academic officer's designee. The Board of Governors shall designate in 1985 and quadrennially thereafter which college or university whose chief academic officer or officer's designee shall so serve, such designation to expire on June 30, 1989, and quadrennially thereafter.
- (5) Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (6) Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (7) Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 36, effective December 19, 2016. See editor's note for applicability.
- (8) The president of the student government, ex officio, who shall be a nonvoting member.
- (9) Up to two additional nonvoting members selected at the discretion of the chancellor and the Board of Trustees, with terms expiring June 30 of each year."

SECTION 10.(b) This section becomes effective July 1, 2023. In accordance with G.S. 116-233(a), as amended by this section, the member appointed to the position created by this section shall be appointed to a term ending June 30, 2027.

PART XI. CLARIFY ELIGIBILITY OF DISABLED VETERANS FOR PATRIOT STAR FAMILY SCHOLARSHIP PROGRAMS

SECTION 11.(a) Section 8.3(c)(3) of S.L. 2021-180, as amended by Section 2.8(a) of S.L. 2022-6, reads as rewritten:

- "(3) Eligible disabled veteran. – Any person who is ~~(i) a parent of an eligible child pursuant to sub-sub-subdivision 3. of sub-subdivision b. of subdivision (2) of this subsection, (ii) completed, and (iii) is a veteran who meets the following criteria:~~
- a. Incurred traumatic injuries or wounds or sustained a major illness while a member of the Armed Forces during a period of war, national emergency, or training in preparation for future conflicts, and the injuries, wounds, or illness are a direct result of service in the line of duty.
 - b. Is receiving compensation of at least fifty percent (50%) as rated by the U.S. Department of Veterans Affairs for a disability connected to the injuries, wounds, or illness identified in accordance with sub-subdivision a. of this subdivision.
 - c. Is a resident of North Carolina when scholarship documentation is completed.
 - d. Is attending or has been accepted to enroll in an eligible postsecondary institution."

SECTION 11.(b) Section 8.19(c)(3) of S.L. 2021-180, as amended by Section 2.8(b) of S.L. 2022-6, reads as rewritten:

- "(3) Eligible disabled veteran. – Any person who ~~(i) is a parent of an eligible child pursuant to sub-sub-subdivision 3. of sub-subdivision b. of subdivision (2) of this subsection and (ii) is a veteran who meets the following criteria:~~
- a. Incurred traumatic injuries or wounds or sustained a major illness while a member of the Armed Forces during a period of war, national

1 emergency, or training in preparation for future conflicts, and the
2 injuries, wounds, or illness are a direct result of service in the line of
3 duty.

4 b. Is receiving compensation of at least fifty percent (50%) as rated by
5 the U.S. Department of Veterans Affairs for a disability connected to
6 the injuries, wounds, or illness identified in accordance with
7 sub-subdivision a. of this subdivision.

8 c. Is a resident of North Carolina at the time of scholarship
9 documentation completion."

10 **SECTION 11.(c)** This section is effective July 1, 2021, and applies to applications
11 for scholarship awards submitted on or after that date.

12
13 **PART XII. EFFECTIVE DATE**

14 **SECTION 12.** Except as otherwise provided, this act is effective when it becomes
15 law.