

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 692
Education/Higher Education Committee Substitute Adopted 4/19/23
Education/Higher Education Committee Substitute Adopted 5/1/23
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House Committee Substitute Favorable 9/21/23

Short Title: Changes in Education Laws.

(Public)

Sponsors:

Referred to:

April 10, 2023

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

PART I. NORTHEAST REGIONAL SCHOOL OF BIOTECHNOLOGY AND AGRISCIENCE

SECTION 1.(a) Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 15A.

"Northeast Regional School of Biotechnology and Agriscience.

"§ 115C-229.5. Purpose.

(a) The purpose of this Article is to establish the Northeast Regional School of Biotechnology and Agriscience as a school of choice that will expand student opportunities for educational success through high-quality instructional programming in the northeastern region of the State. The Northeast Regional School of Biotechnology and Agriscience may partner with other education partners, including local boards of education, institutions of higher education, or private businesses or organizations, and shall foster, encourage, and promote the development of knowledge and skills in career clusters of critical importance to the region.

(b) The Northeast Regional School of Biotechnology and Agriscience shall be housed administratively within the Department of Public Instruction for purposes of distribution of State funds but shall operate independently with a board of directors as the governing body.

(c) Except as otherwise provided in this Article and Article 7B of this Chapter, the Northeast Regional School of Biotechnology and Agriscience is exempt from statutes and rules applicable to a local board of education or local school administrative unit.

"§ 115C-229.10. Definitions.

The following definitions apply in this Part:

- (1) First-generation student. – A student who has no parent who has completed a two- or four-year degree.
- (2) Regional school. – The Northeast Regional School of Biotechnology and Agriscience.
- (3) Regional school board of directors or board of directors. – The governing board of the Northeast Regional School of Biotechnology and Agriscience.



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- (4) Regional school service area. – The counties of Beaufort, Bertie, Camden, Currituck, Dare, Edenton, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington.

"§ 115C-229.15. Regional school boards of directors; appointment; terms of office.

(a) The board of directors of the regional school shall consist of the following members. Members shall serve four-year terms of office. Appointed members of the board of directors shall be selected for their interest in and commitment to the importance of public education to regional economic development and to the purposes of the regional school.

- (1) The Superintendent of Public Instruction shall appoint three members who are either a local board of education member or superintendent of a local school administrative unit in a county where at least five percent (5%) of the students enrolled in the regional school reside.

- (2) The State Board of Education shall appoint five members as representatives of the business community, upon the recommendation of the North Carolina Economic Developers Association, who reside in a county where at least five percent (5%) of the students enrolled in the regional school reside. At least one of the appointees shall be a resident of the county in which the regional school is located.

- (3) The Parent Advisory Council established by G.S. 115C-229.20 shall appoint one member to the board of directors from among the Council membership. The seat shall be declared vacant if the child of the appointed parent no longer attends the regional school.

- (4) Any institution of higher education partner may appoint a representative of the institution of higher education to serve as an ex officio member of the board of directors.

(b) Whenever an appointed member of the board of directors ceases to meet the qualifications for appointment or for any reason other than ill health or service in the interest of the State or nation to be present at three successive regular meetings of the board of directors, his or her place as a member of the board of directors shall be deemed vacant. Any member of the board of directors may be removed from office by the appointing authority for misfeasance, malfeasance, or nonfeasance in office. All vacancies shall be filled by the appointing authority for the remainder of the term of office by an individual meeting the qualifications for the vacated seat.

"§ 115C-229.20. Parent Advisory Council; purpose; appointments.

(a) Purpose. – There shall be a Parent Advisory Council to serve as a resource and provide input to the board of directors as to the operation of the regional school. The board of directors shall consult the Parent Advisory Council when considering changes to the regional school's operations that may significantly impact students attending the regional school.

(b) Appointment. – The Superintendent of Public Instruction shall appoint one member from each county where at least five percent (5%) of the students enrolled in the regional school reside to the Parent Advisory Council for a term of four years or until the member's child no longer attends the regional school. Appointees shall be parents or guardians of students attending the regional school and shall, to the extent possible, reflect the demographic composition of the regional school.

"§ 115C-229.25. Board of directors; meetings; rules of procedure; officers.

(a) The board of directors shall meet at least four times a year and may hold special meetings at any time at the call of the chair or upon petition addressed to the chair by a majority of the members of the board of directors. All meetings of the board of directors shall be subject to the requirements of Article 33C of Chapter 143 of the General Statutes.

(b) The board of directors shall elect a chair and a vice-chair from among its members, who shall serve a two-year term.

(c) All members of the board of directors shall be voting members except for the chair, who may vote only on matters to break a tie.

(d) The board of directors shall determine its own rules of procedure and may delegate to such committees as it may create such of its powers as it deems appropriate.

(e) Members of the board of directors shall receive such per diem compensation and necessary travel and subsistence expenses while engaged in the discharge of their official duties as is provided by law for members of State boards and commissions.

"§ 115C-229.30. Board of directors; corporate powers.

(a) The board of directors of the regional school shall be known and distinguished by the name of "The Northeast Regional School of Biotechnology and Agriscience Board of Directors" and shall continue as a body politic and corporate and by that name shall have perpetual succession and a common seal. It shall be able and capable in law to take, demand, receive, and possess all moneys, goods, and chattels that shall be given for the use of the regional school, and to apply to same according to the will of the donors; and by gift, purchase, or devise to receive, possess, enjoy, and retain forever any and all real and personal estate and funds, of whatsoever kind, nature, or quality the same may be, in special trust and confidence that the same, or the profits thereof, shall be applied to and for the use and purpose of establishing and endowing the regional school, and shall have power to receive donations from any source whatsoever, to be devoted exclusively to the purposes of the maintenance of the regional school, or according to the terms of the donation.

(b) The board of directors shall be able and capable in law to bargain, sell, grant, alien, or dispose of and convey and assure to the purchasers any and all such real and personal estate and funds as it may lawfully acquire when the condition of the grant to it or the will of the deviser does not forbid it; and shall be able and capable in law to sue and be sued in all courts whatsoever; and shall have power to open and receive subscriptions; and in general may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

"§ 115C-229.35. Board of directors; powers and duties.

The board of directors shall have the following powers and duties:

(1) The board of directors shall establish the regional school's academic program in accordance with the following:

a. The board of directors shall establish the standard course of study for the regional school. This course of study shall set forth the subjects to be taught in each grade and the texts and other educational materials on each subject to be used in each grade. The board of directors shall design its programs to meet at least the student performance standards adopted by the State Board of Education and the student performance standards contained in this Chapter.

b. The board of directors shall conduct student assessments required by the State Board of Education.

c. The board of directors shall provide the opportunity to earn or obtain credit toward degrees from a community college subject to Chapter 115D of the General Statutes or a constituent institution of The University of North Carolina.

d. The board of directors shall adopt a school calendar consisting of a minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months.

e. The board of directors shall ensure that financial literacy instruction is provided as required by the State Board of Education pursuant to G.S. 115C-81.65, including required professional development for teachers of the EPF course.

- (2) The board of directors shall establish policies and standards for academic performance, attendance, and conduct for students of the regional school. The policies of the board of directors shall comply with Article 27 of this Chapter.
- (3) Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the regional school and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time that the regional school shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the regional school. Any person who aids or abets a student's unlawful absence from the regional school shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the board of directors, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling.
- (4) The board of directors shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
- (5) The board of directors shall require compliance with laws and policies relating to the education of children with disabilities. The school is subject to and shall comply with Article 9 of Chapter 115C of the General Statutes and The Individuals with Disabilities Education Improvements Act, 20 U.S.C. § 1400, et seq., (2004), as amended.
- (6) The board of directors shall require that the regional school meets the same health and safety standards required of a local school administrative unit.
- (7) The board of directors shall require the regional school to comply with G.S. 115C-375.2A and shall provide the school with a supply of emergency epinephrine auto-injectors necessary to carry out the provisions of that section.
- (8) The regional school shall comply with the requirements for public school units in Part 2 of Article 8C of this Chapter.
- (9) The regional school shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47).
- (10) The board of directors shall apply the rules and policies established by the State Board of Education for issuance of driving eligibility certificates.
- (11) The regional school shall comply with G.S. 115C-407.40 regarding cultural expression at all graduation ceremonies.
- (12) The regional school shall strive to ensure that one hundred percent (100%) muscadine grape juice is made available to students as a part of the school's nutrition program or through the operation of the school's vending facilities.
- (13) If the regional school organizes athletic teams for middle or high school students to participate in interscholastic or intramural athletic activities, those teams shall be organized in accordance with G.S. 115C-12(23).
- (14) The board of directors shall comply with the purchasing and contract statutes and regulations applicable to local school administrative units.
- (15) The board of directors shall be exempt from Chapter 150B of the General Statutes, except final decisions of the board of directors in a contested case shall be subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.
- (16) The regional school shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise

provided to the public. A regional school shall ensure that the overall school performance score and grade earned by the regional school for the current and previous four school years is prominently displayed on the school website. If a regional school earned an overall school performance grade of D or F, the regional school shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school.

(17) The board of directors is encouraged to adopt a policy against bullying or harassing behavior, including cyberbullying, for the regional school that is consistent with the provisions of Article 29C of this Chapter. If the board of directors adopts a policy to prohibit bullying and harassing behavior, the regional school shall, at the beginning of each school year, provide the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8).

(18) The regional school is encouraged to facilitate access for students to participate in activities provided by any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day for the purposes of encouraging civic education.

(19) The board of directors shall comply with the requirements of G.S. 115C-523.1 and G.S. 115C-523.2 for any regional school building owned by the board of directors.

(20) The board of directors shall adopt and implement a child sexual abuse and sex trafficking training program in accordance with G.S. 115C-375.20.

(21) The regional school shall adopt a school-based mental health plan, including a mental health training program and suicide risk referral protocol, in accordance with G.S. 115C-376.5.

(22) The regional school shall annually report the information required by G.S. 115C-12(48) to the State Board of Education, the Senate Appropriations Committee on Education/Higher Education, and the House Appropriations Committee on Education no later than September 15.

(23) The regional school shall annually update information to the digital learning dashboard, as required by G.S. 115C-102.9.

(24) The board of directors shall develop a plan to provide transportation to the students enrolled in the regional school, which may include entering in to interlocal agreements with local school administrative units.

(25) The board of directors, to the extent practicable, shall provide school food services to the regional school. School food services may be provided by entering into an interlocal agreement with a local school administrative unit. For purposes of federal funding through the National School Lunch Program or other federally supported food service programs, a local school administrative unit that has entered into an interlocal agreement with the regional school for the purpose of providing school food services shall be permitted to include eligible students enrolled in the regional school.

"§ 115C-229.40. Student admissions and assignment.

(a) The regional school may serve grades seven through 12.

(b) A student domiciled in a county within the regional school service area is eligible to attend the regional school. A student's eligibility to remain enrolled in the regional school shall terminate at the end of any school year during which a student ceases to satisfy the residency requirements.

(c) The board of directors shall establish criteria, standards, and procedures for admission of students. The admission criteria may give priority to first generation students and shall include the following:

- (1) Demonstrated academic achievement.
- (2) Demonstrated student interest in attendance.
- (3) Documented parental support for student attendance.

(d) If the number of eligible students meeting the board of directors' admission criteria exceeds the seats available, students shall be accepted by lot.

"§ 115C-229.45. Employees.

The board of directors shall appoint all certified and noncertified staff.

- (1) The board of directors shall employ and contract with a principal for a term not to exceed three years. The principal shall meet the requirements for certification set out in G.S. 115C-284, unless waived by the State Board of Education upon submission of a request by the board of directors. The principal shall be responsible for school operations and shall exercise those duties and powers delegated by the board of directors.
- (2) The board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school. At least fifty percent (50%) of teachers employed by the board of directors shall hold teacher licensure, unless waived by the State Board of Education upon submission of a request by the board of directors.
If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at the regional school, the local school administrative unit shall grant the leave for one year. For the initial year of the regional school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of the regional school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision. A teacher who has received a leave of absence to teach at a regional school may return to a public school in the local school administrative unit at the end of the leave of absence or upon the end of employment at the regional school if an appropriate position is available. If a teacher has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at the regional school, the teacher may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the regional school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers in accordance with G.S. 115C-325(e)(2).
- (4) The board of directors also may employ necessary employees who are not required to hold teacher licensure to perform duties other than teaching and may contract for other services.
- (5) An employee of the board of directors is not an employee of the local school administrative unit in which the regional school is located. The board of directors may discharge certified and noncertified employees according to the terms of the employment contract.

- (6) Employees of the board of directors shall participate in the Teachers' and State Employees' Retirement System and the State Health Plan on the same terms as employees employed by local boards of education.
- (7) Employees of the board of directors shall be exempt from Chapter 126 of the General Statutes, except for Articles 6 and 7 and G.S. 126-8.6.
- (8) Teachers employed by the board of directors shall be eligible for paid parental leave as provided in G.S. 126-8.6. The board of directors shall be eligible to receive funds as provided in G.S. 115C-336.1(b).

"§ 115C-229.50. Criminal history record checks.

(a) As used in this section:

- (1) "Criminal history" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an individual (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive, Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) "School personnel" means any of the following:

- a. Member of the board of directors.
- b. Employee of the regional school.
- c. Independent contractor or employee of an independent contractor of the regional school if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of the regional school.

(b) The board of directors shall adopt a policy on whether and under what circumstances school personnel shall be required to be checked for a criminal history. The board of directors shall apply its policy uniformly in requiring school personnel to be checked for a criminal history. The board of directors may grant conditional approval of an application while the board of directors is checking a person's criminal history and making a decision based on the results of

1 the check. The board of directors shall not require school personnel to pay for the criminal history
2 record check authorized under this section.

3 (c) The board of directors shall require the person to be checked by the Department of
4 Public Safety (i) to be fingerprinted and to provide any additional information required by the
5 Department of Public Safety to a person designated by the board of directors or to the local sheriff
6 or the municipal police, whichever is more convenient for the person, and (ii) to sign a form
7 consenting to the check of the criminal record and to the use of fingerprints and other identifying
8 information required by the repositories. The board of directors shall consider refusal to consent
9 when making employment decisions and decisions with regard to independent contractors. The
10 fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search
11 of the State criminal history record file, and the State Bureau of Investigation shall forward a set
12 of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
13 The Department of Public Safety shall provide to the board of directors the criminal history from
14 the State and National Repositories of Criminal Histories of any school personnel for which the
15 board of directors requires a criminal history record check. The board of directors shall not
16 require school personnel to pay for the fingerprints authorized under this section.

17 (d) The board of directors shall review the criminal history it receives on an individual.
18 The board of directors shall determine whether the results of the review indicate that the
19 individual (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated
20 that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel
21 and shall use the information when making employment decisions and decisions with regard to
22 independent contractors. The board of directors shall make written findings with regard to how
23 it used the information when making employment decisions and decisions with regard to
24 independent contractors. The board of directors may delegate any of the duties in this subsection
25 to the principal.

26 (e) The board of directors, or the principal if designated by the board of directors, shall
27 provide to the State Board of Education the criminal history it receives on a person who is
28 certificated, certified, or licensed by the State Board of Education. The State Board of Education
29 shall review the criminal history and determine whether the person's certificate or license should
30 be revoked in accordance with State laws and rules regarding revocation.

31 (f) All of the information received by the board of directors through the checking of the
32 criminal history or by the State Board of Education in accordance with this section is privileged
33 information and is not a public record but is for the exclusive use of the board of directors or the
34 State Board of Education. The board of directors or the State Board of Education may destroy
35 the information after it is used for the purposes authorized by this section after one calendar year.

36 (g) There shall be no liability for negligence on the part of the board of directors, or its
37 employees, or the State Board of Education, the Superintendent of Public Instruction, or any of
38 their members or employees, individually or collectively, arising from any act taken or omission
39 by any of them in carrying out the provisions of this section. The immunity established by this
40 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that
41 would otherwise be actionable. The immunity established by this subsection shall be deemed to
42 have been waived to the extent of indemnification by insurance, indemnification under Articles
43 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is
44 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General
45 Statutes.

46 (h) Any applicant for employment who willfully furnishes, supplies, or otherwise gives
47 false information on an employment application that is the basis for a criminal history record
48 check under this section shall be guilty of a Class A1 misdemeanor.

49 (i) The board of directors may adopt a policy providing for uniform periodic checks of
50 criminal history of employees. Boards of directors shall not require employees to pay for the
51 criminal history check authorized under this subsection. A board of directors shall indicate, upon

inquiry by any other local board of education, charter school, or regional school in the State, as to the reason for an employee's resignation or dismissal. If a teacher's criminal history is relevant to a teacher's resignation, the board of directors shall report to the State Board of Education the reason for an employee's resignation.

"§ 115C-229.55. Finance and budget.

(a) The board of directors may contract with a local school administrative unit to serve as the finance agent for the Board and shall provide reasonable compensation to the local school administrative unit for this service. Upon such agreement, that local school administrative unit shall have all the rights, duties, and obligations for receipt, accounting, and dispersing funds for the board of directors, including all the rights, duties, and obligations specified in Article 31 of this Chapter, which powers shall be exercised by the contracted local school administrative unit for and on behalf of the board of directors.

(b) A regional school may request appropriations directly from a city, as authorized by G.S. 160A-700.

(c) With respect to the receipt, deposit, and disbursement of moneys (i) required by law to be deposited with the State Treasurer or (ii) made available for expenditure by warrants drawn on the State Treasurer, regional schools are subject to Article 6A of Chapter 147 of the General Statutes."

SECTION 1.(b) G.S. 14-458.2(a) reads as rewritten:

"(a) The following definitions apply in this section:

(1) School employee. – The term means any of the following:

- a. An employee of a local board of education, a charter school authorized under G.S. 115C-218.5, ~~a regional school created under G.S. 115C-238.62,~~ the regional school established by G.S. 115C-229.5, a laboratory school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.
- b. An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under G.S. 115C-218.5, ~~a regional school created under G.S. 115C-238.62,~~ the regional school established by G.S. 115C-229.5, a laboratory school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school.

(2) Student. – A person who has been assigned to a school by a local board of education as provided in G.S. 115C-366 or has enrolled in a charter school authorized under G.S. 115C-218.5, ~~a regional school created under G.S. 115C-238.62,~~ the regional school established by G.S. 115C-229.5, a laboratory school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of those schools within the last year."

SECTION 1.(c) G.S. 58-31A-1(2) reads as rewritten:

"(2) Public education board. – A local board of education of a local school administrative unit, as defined in G.S. 115C-5(5), ~~a board of trustees of a regional school, as defined in G.S. 115C-238.63,~~ the board of directors of the regional school established by G.S. 115C-229.5, or a board of trustees of a community college, as defined in G.S. 115D-12."

SECTION 1.(d) G.S. 115B-2(a)(6) reads as rewritten:

"(6) Any child enrolled in a regional school established pursuant to ~~Part 10 of Article 16~~ Article 15A of Chapter 115C of the General Statutes who enrolls in classes at a constituent institution or community college which has a written agreement with the regional school."

SECTION 1.(e) G.S. 115C-238.50A(1a)c. reads as rewritten:

"c. It is located on the campus of the partner institution of higher education, unless the governing Board or the local board of trustees for a private North Carolina college specifically waives the requirement through adoption of a formal resolution. This criterion shall not apply to a regional school established as provided in ~~Part 10 of this Article~~ Article 15A of this Chapter."

SECTION 1.(f) Part 10 of Article 16 of Chapter 115C of the General Statutes is repealed.

SECTION 1.(g) G.S. 126-5(c1)(8a) reads as rewritten:

"(8a) Employees of a regional school established pursuant to ~~Part 10 of Article 16~~ Article 15A of Chapter 115C of the General Statutes."

SECTION 1.(h) G.S. 143B-931(b) reads as rewritten:

"(b) The Department of Public Safety may provide a criminal history record check to the board of directors of a regional school of a person who is employed at ~~a the~~ regional school or of a person who has applied for employment at ~~a the~~ regional school if the employee or applicant consents to the record check. The Department may also provide a criminal history record check of school personnel as defined in ~~G.S. 115C-238.73~~ G.S. 115C-229.50 by fingerprint card to the board of directors of the regional school from the National Repositories of Criminal Histories, in accordance with ~~G.S. 115C-238.73~~ G.S. 115C-229.50. The information shall be kept confidential by the board of directors of the regional school as provided in ~~G.S. 115C-238.73~~ G.S. 115C-229.50."

SECTION 1.(i) G.S. 160A-700(d)(5) reads as rewritten:

"(5) A regional school ~~created under Part 10 of Article 16~~ established by Article 15A of Chapter 115C of the General Statutes."

SECTION 1.(j) It is the intent of the General Assembly to provide funding to the Northeast Regional School of Biotechnology and Agriscience beginning with the 2024-2025 school year.

SECTION 1.(k) Notwithstanding G.S. 115C-229.15, as enacted by this act, the terms of members serving on the board of directors as of the date this act becomes law shall terminate on June 30, 2025. Initial appointments to the board of directors in accordance with G.S. 115C-229.15 shall be made for terms beginning July 1, 2025. The Superintendent of Public Instruction shall appoint two members to two-year terms and one member to a four-year term beginning July 1, 2025. The State Board of Education shall appoint two members to two-year terms and three members to four-year terms beginning July 1, 2025. Thereafter, all appointees shall serve four-year terms.

SECTION 1.(l) The title to and ownership of all property of the Northeast Regional School of Biotechnology and Agriscience, established as provided in Part 10 of Article 16 of Chapter 115C of the General Statutes, both real and personal of every kind and description, shall be vested in the Northeast Regional School of Biotechnology and Agriscience, as established by Article 15A of Chapter 115C of the General Statutes, as enacted by this act, by July 1, 2024. All claims and demands of every kind related to the Northeast Regional School of Biotechnology and Agriscience, established as provided in Part 10 of Article 16 of Chapter 115C of the General Statutes, shall pass and be transferred to the Northeast Regional School of Biotechnology and Agriscience, as established by Article 15A of Chapter 115C of the General Statutes, as enacted by this act by July 1, 2024, and the board of directors of the Northeast Regional School of Biotechnology and Agriscience shall have the same powers and authority to enforce said claims

and demands. Any obligations and liabilities related to the Northeast Regional School of Biotechnology and Agriscience, established as provided in Part 10 of Article 16 of Chapter 115C of the General Statutes, shall become the obligations of the Northeast Regional School of Biotechnology and Agriscience, as established by Article 15A of Chapter 115C of the General Statutes, as enacted by this act by July 1, 2024, and such obligations and liabilities may be enforced against the board of directors of the Northeast Regional School of Biotechnology and Agriscience thereafter to the same extent that they might have otherwise been enforced.

SECTION 1.(m) Subsections (a) through (i) of this section are effective July 1, 2024. The remainder of this section is effective when it becomes law.

PART II. PROTECT NC EDUCATION SAVINGS AND INVESTMENT ACCOUNTS

SECTION 2.(a) G.S. 116-209.25 is amended by adding a new subsection to read:

"(c2) NC Education Savings and Investment Accounts Protected. – Notwithstanding any other provision of law, funds located in an education savings and investment account of the Parental Savings Trust Fund or withdrawn from the account and used for purposes permitted under section 529 of the Internal Revenue Code shall not be subject to liens, attachment, garnishment, levy, seizure, any involuntary sale or assignment by operation or execution of law, or the enforcement of any other judgment or claim to pay any debt or liability of any account owner, beneficiary, or contributor to a plan. This subsection shall not affect any protection from creditors under G.S. 1C-1601(a)(10) for education savings and investment accounts that are not part of the Parental Savings Trust Fund."

SECTION 2.(b) G.S. 1C-1601 reads as rewritten:

"Article 16.

"Exempt Property.

"§ 1C-1601. What property exempt; waiver; exceptions.

(a) Exempt property. – Each individual, resident of this State, who is a debtor is entitled to retain free of the enforcement of the claims of creditors:

...

(10) ~~Funds in a college savings plan~~ Except for funds in an education savings and investment account that is part of the Parental Savings Trust Fund, as provided in G.S. 116-209.25(c2), funds in an education savings and investment account qualified under section 529 of the Internal Revenue Code, not to exceed a cumulative limit of twenty-five thousand dollars (\$25,000), but excluding (\$25,000). This exemption excludes any funds placed in a college savings plan an education savings and investment account within the preceding 12 months (except to the extent any of the contributions were made in the ordinary course of the debtor's financial affairs and were consistent with the debtor's past pattern of contributions) and only to the extent that the funds are for a child of the debtor and will actually be used for the child's college or university expenses. expenses of the child that are permitted under section 529 of the Internal Revenue Code.

...."

SECTION 2.(c) Article 6F of Chapter 147 of the General Statutes is amended by adding a new section to read:

"§ 147-86.74. Exemption from garnishment, attachment, judgment.

Notwithstanding any other provision of law, except as provided in this section, funds located in an ABLE account or withdrawn from the account and used for expenses permitted under section 529A of the Internal Revenue Code shall not be subject to liens, attachment, garnishment, levy, seizure, any involuntary sale or assignment by operation or execution of law, or the enforcement of any other judgment or claim to pay any debt or liability of any account owner, beneficiary, or contributor to a plan. This section does not prohibit the distribution of funds from

the account following the death of the account owner under G.S. 147-86.73(e) or under section 529A(f) of the Internal Revenue Code."

SECTION 2.(d) This section becomes effective November 1, 2023, and applies to actions filed on or after that date.

PART III. ALLOW SCHOOLS IN CERTAIN ZONING DISTRICTS

SECTION 3.(a) Part 1 of Article 9 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-913.1. School sites in residential zones.

(a) For purposes of this section, a "school" is a building or group of buildings that are primarily used for the instruction of students in a pre-kindergarten program or in a grade from kindergarten to grade 12 and includes both (i) schools within public school units, as defined in G.S. 115C-5, and (ii) nonpublic schools operating in accordance with Part I or Part II of Article 39 of Chapter 115C of the General Statutes.

(b) Zoning regulations shall permit, by right, the siting of a school in an area zoned for residential use if all of the following requirements are met:

- (1) The site of the school is located on 30 or more contiguous acres of land, which may be comprised of one or more parcels of land.
- (2) The site of the school is not located within an existing residential subdivision, as to cause discontinuity of the subdivision, but may be located adjacent to an existing residential subdivision.
- (3) The site of a school containing any combination of kindergarten through grade eight has at least one boundary located along either a State-maintained road or highway or a city-maintained street. The site of a school containing any combination of grades nine through 12 has at least one boundary along a major or minor thoroughfare, as designated by the thoroughfare plan approved by the metropolitan planning organization or rural transportation planning organization with jurisdiction over the area, that is maintained by either the State or a city.
- (4) The county in which the school is to be sited has a population of at least 200,000 residents as of the most recent decennial census.
- (5) The county in which the school is to be sited has a population density of at least 300 people per square mile as of the most recent decennial census.
- (6) The county in which the school is to be sited has a land area of at least 200 square miles.

(c) Further expansion of a school sited under this section shall be subject to all applicable zoning ordinances and shall not receive permitted use beyond the original boundaries.

(d) A governing body of a county or city that issues a permit for a school pursuant to this section shall not impose any restrictions or requirements on the school beyond the restrictions and requirements the same governing body imposes on a school permitted under any other law or ordinance. These restrictions and requirements include site development standards, architectural design standards, building size limitations, signage standards, and landscaping standards. Once a school has been issued a permit pursuant to this section, the school shall not be subject to any changes or additions made to the restrictions and requirements placed on schools by the governing body for five years from the date the permit is issued.

(e) Prior to any application for any development approval under this section, the governing entity of the school shall inquire, in writing, of the public water system, public sewer system, or public water and sewer system, currently serving the site or closest to the site as to whether that public system has capacity to serve the proposed school facility. The public system shall respond to the governing entity of the school within a reasonable time, not to exceed 30 days as to whether that public system has capacity to serve the proposed school facility. Unless

the public system does not have capacity to serve the proposed school facility or is under a moratorium precluding expansion, the public system shall reserve the necessary capacity for the proposed school facility for 24 months from the date of the written inquiry from the governing entity of the school, and the applicable local government shall not prohibit construction of the infrastructure required to connect to the water or sewer system from which capacity is reserved. Nothing herein shall be construed to waive requirements for construction or operation of water or sewer connections to public water or wastewater systems applicable under State law."

SECTION 3.(b) Part 1 of Article 9 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-917. Public school sites in commercial zones.

In areas zoned for commercial use, zoning regulations shall permit, by right or by special use, the siting of a school building that is primarily used for the instruction of students and is under the control of a public school unit as defined in G.S. 115C-5."

SECTION 3.(c) This section is effective when it becomes law.

PART IV. ADMISSIONS STANDARDS FOR HEALTH CARE PROGRAMS

SECTION 4.(a) Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"§ 116-33.10. Admissions standards for health care programs.

(a) All constituent institutions offering degrees, certifications, or training related to health care shall make publicly available the criteria by which applicants for admission to the institution or program are evaluated. The publicly available information shall include a rubric that details the weight placed upon each admissions criterion, including standardized test scores, grades, class rigor, personal statements, interviews, and any other factors used to determine admission.

(b) By September 15 of each year, constituent institutions subject to subsection (a) of this section shall submit to the Board of Governors a report on the prior year's applicants for admission to programs related to health care. The report shall at least include the following de-identified information separately for both applicants and admitted students, disaggregated by race:

(1) Number of individuals.

(2) Standardized test scores.

(3) Grade point average.

(c) The Board of Governors shall establish an electronic dashboard of all reported information that consolidates the information submitted by each constituent institution and shall annually update the dashboard by November 15. The Board of Governors shall provide notice to the Joint Legislative Education Oversight Committee when the dashboard has been updated.

(d) The Board of Governors shall designate the degrees, certifications, and training offered by constituent institutions that relate to health care."

SECTION 4.(b) This section is effective when it becomes law and applies beginning with reports due September 15, 2024.

PART IV-A. CIVIC FOCUS WEEKS FOR PUBLIC SCHOOLS

SECTION 4A.(a) G.S. 115C-81.45 is amended by adding a new subsection to read:

"(e) Civic Youth Group Presentations. –

(1) The following definitions apply in this subsection:

a. Civic focus week. – Either of the following:

1. The week of Patriot's Day, September 11, as established by 36 U.S.C. § 144.

2. The week of Constitution Day, September 17, as established by 36 U.S.C. § 106.

b. Civic youth group. – One of the following youth membership organizations located in North Carolina whose purpose includes the promotion of civic and citizenship education as required by the standard course of study among elementary, middle, and high school students:

1. Big Brothers Big Sisters of America.
2. Boy Scouts of America.
3. Boys and Girls Clubs of America.
4. Future Farmers of America.
5. Girl Scouts of the United States of America.

(2) Local boards of education shall provide opportunities in each school within the local school administrative unit for civic youth groups to address students during a civic focus week that allow those groups to address how involvement can further students' educational interests and civic participation to improve their schools, communities, and themselves.

(3) A civic youth group must provide 30 days' written notice to the principal of a school of the group's interest in addressing students during a civic focus week. The principal shall provide written approval indicating the specific date and time during the civic focus week for the civic youth group to address the students and the location where the address may occur. The civic youth group shall be provided at least 10 minutes during the instructional day to address students.

(4) The principal of each school may designate a single event to observe a civic focus week when all civic youth groups may address students, with time allocated equally among the requesting civic youth groups. For an event designated under this subdivision, a principal is not required to:

- a. Allocate more than 50 minutes to the event.
- b. Allow a civic youth group to speak more than once each school year."

SECTION 4A.(b) G.S. 115C-218.75 is amended by adding a new subsection to read:

"(n) Charter schools shall provide opportunities for civic youth groups to address students during a civic focus week in accordance with the provisions of G.S. 115C-81.45(e)."

SECTION 4A.(c) G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(22) Civic youth groups. – Regional schools shall provide opportunities for civic youth groups to address students during a civic focus week in accordance with the provisions of G.S. 115C-81.45(e)."

SECTION 4A.(d) G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(25) Civic youth groups. – Laboratory schools shall provide opportunities for civic youth groups to address students during a civic focus week in accordance with the provisions of G.S. 115C-81.45(e)."

SECTION 4A.(e) This section is effective when it becomes law and applies beginning with the 2024-2025 school year.

PART IV-B. STATE CHILDREN'S MUSEUM

SECTION 4B.(a) Chapter 145 of the General Statutes is amended by adding a new section to read:

"§ 145-52. State children's museum.

The Kidzu Children's Museum is adopted as the official children's museum of North Carolina."

SECTION 4B.(b) This section is effective when it becomes law.

PART IV-F. MODIFICATIONS TO THE POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION

SECTION 4F.(a) G.S. 115C-12 reads as rewritten:

"§ 115C-12. Powers and duties of the Board generally.

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:

(1) Financial Powers. – The financial powers of the Board are set forth in Article 30 of this Chapter.

(1a) ~~To Submit Prepare a Budget Request to the Director of the Budget. Request.~~
– The Board shall submit-prepare a budget request for the Board and shall provide the budget request to the Director of the Budget in accordance with G.S. 143C-3-3. In addition to the information requested by the Director of the Budget, the Superintendent of Public Instruction for submission to the Director of the Budget in conjunction with the Superintendent's budget request for the Department of Public Instruction. The Board shall provide an analysis relating each of its requests for expansion funds to anticipated improvements in student performance.

...

(9c) Power to Develop Content Standards. –

a. The Board shall develop a comprehensive plan to revise content standards and the standard course of study in the core academic areas of reading, writing, mathematics, science, history, geography, and civics. The Board shall involve and survey a representative sample of parents, teachers, and the public to help determine academic content standard priorities and usefulness of the content standards. A full review of available and relevant academic content standards that are rigorous, specific, sequenced, clear, focused, and measurable, whenever possible, shall be a part of the process of the development of content standards. The revised content standards developed in the core academic areas shall (i) reflect high expectations for students and an in-depth mastery of the content; (ii) be clearly grounded in the content of each academic area; (iii) be defined grade-by-grade and course-by-course; (iv) be understandable to parents and teachers; (v) be developed in full recognition of the time available to teach the core academic areas at each grade level; and (vi) be measurable, whenever possible, in a reliable, valid, and efficient manner for accountability purposes.

b. High school course content standards shall include the knowledge and skills necessary to pursue further postsecondary education or to attain employment in the 21st century economy. The high school course content standards also shall be aligned with the minimum undergraduate course requirements for admission to the constituent institutions of The University of North Carolina.

- c. The Board also shall develop and implement an ongoing process to align State programs ~~and support materials~~ with the revised academic content standards for each core academic area on a regular basis. Alignment shall include revising textbook criteria, ~~support materials~~, State tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards. ~~The Board shall develop and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards.~~ The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree programs, ongoing professional development, and other university activity in the State's public schools align with the State Board's priorities.

...

- (39) ~~Power to Accredite Schools. — Upon the request of a local board of education, the State Board of Education shall evaluate schools in local school administrative units to determine whether the education provided by those schools meets acceptable levels of quality. The State Board shall adopt rigorous and appropriate academic standards for accreditation after consideration of (i) the standards of regional and national accrediting agencies, (ii) the academic standards adopted in accordance with subdivision (9c) of this section, and (iii) other information it deems appropriate.~~

~~The local school administrative unit shall compensate the State Board for the actual costs of the accreditation process.~~

...."

SECTION 4F.(b) G.S. 115C-21(a) reads as rewritten:

"(a) Administrative Duties. – It shall be the duty of the Superintendent of Public Instruction:

...

- (10) To submit the consolidated budget request for the State Board of Education and the Department of Public Instruction to the Office of State Budget and Management. The Superintendent shall submit the budget request to the Director of the Budget in accordance with G.S. 143C-3-3, including an analysis relating each of the Superintendent's requests for expansion funds to anticipated improvements in student performance. The Superintendent shall not make substantive changes to the State Board of Education's portion of the budget request without approval by the Board.
- (11) To enter into contracts for an amount equal to or less than two million five hundred thousand dollars (\$2,500,000).
- (12) To review the comprehensive plan to revise content standards in the core academic areas of reading, writing, mathematics, science, history, geography, and civics, as developed by the Department of Public Instruction. The Superintendent shall provide a written recommendation for the comprehensive plan before the Department of Public Instruction presents it to the Board for consideration.
- (13) To develop and make available to teachers and parents support materials, including teacher and parent guides, based on the revised academic content standards for each core academic area on a regular basis.

(14) To create advisory councils or commissions as the Department of Public Instruction deems necessary for anything which the Superintendent may deem appropriate without authorization by the State Board of Education."

SECTION 4F.(c) Article 30 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-420. State Board approval of contracts.

(a) Prior to entering into any contract for an amount greater than two million five hundred thousand dollars (\$2,500,000), the Superintendent of Public Instruction shall present the contract to the State Board of Education for approval. The Superintendent of Public Instruction shall not enter into the contract until it is approved by the State Board of Education.

(b) The Superintendent of Public Instruction shall not be required to present a contract to the State Board for approval if the amount of the contract is equal to or less than two million five hundred thousand dollars (\$2,500,000).

(c) For the purposes of this section, the amount of a contract shall not be aggregated with any other contract or written agreement."

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.