

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 986
RATIFIED BILL

AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.

The General Assembly of North Carolina enacts:

PART I. CURSIVE WRITING AND MULTIPLICATION REPORT

SECTION 1.(a) Part 1 of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-81.81. Annual report on cursive writing and multiplication tables.

The State Board of Education and the Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee by March 30 of each year on the compliance of each local school administrative unit with the requirements regarding cursive writing pursuant to G.S. 115C-81.75 and the memorization of multiplication tables pursuant to G.S. 115C-81.80. The report shall include at least the following information:

- (1) The percentage of local school administrative units in the State complying and not complying with G.S. 115C-81.75 and a list of both sets of units.
- (2) The percentage of local school administrative units in the State complying and not complying with G.S. 115C-81.80 and a list of both sets of units.
- (3) A list of all instructional strategies used by each local school administrative unit to comply with G.S. 115C-81.75 categorized by unit.
- (4) A list of each instructional strategy identified pursuant to subdivision (3) of this section and the corresponding percentage of local school administrative units in the State using that strategy to comply with G.S. 115C-81.75.
- (5) If, in any given year, one or more local school administrative units does not respond to inquiries from the Department of Public Instruction related to this section, the percentage of local school administrative units in the State that were nonresponsive and a list of those units."

SECTION 1.(b) This section is effective when it becomes law and applies to reports submitted on or after that date.

PART II. ENROLLMENT IN ADVANCED MATHEMATICS COURSES

SECTION 2.(a) Part 1 of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-81.36. Advanced courses in mathematics.

(a) When practicable, local boards of education shall offer advanced courses in mathematics in all grades three and higher.

(b) When advanced courses are offered in mathematics, any student scoring a level five on the end-of-grade or end-of-course test for the mathematics course in which the student was most recently enrolled shall be enrolled in the advanced course for the next mathematics course in which the student is enrolled. A student in seventh grade scoring a level five on the seventh grade mathematics end-of-grade test shall be enrolled in a high school level mathematics course in eighth grade. No student who qualifies under this subsection shall be removed from the advanced or high school mathematics course in which the student is enrolled unless a parent or



guardian of the student provides written consent for the student to be excluded or removed from that course."

SECTION 2.(b) This section applies beginning with the 2018-2019 school year.

PART III. EDUCATOR PREPARATION PROGRAM REPORT CARDS

SECTION 3.(a) G.S. 115C-269.50 reads as rewritten:

"§ 115C-269.50. EPP report cards.

The State Board shall create ~~a~~an annual report card ~~in a common format~~ for each EPP that, at a minimum, summarizes the information collected in the annual performance reports, as set forth in G.S. 115C-269.35(b). The report cards shall provide user-friendly access to the public, and shall provide the ability to easily compare annual report card information between EPPs, including performance and other data reported by each EPP, as provided in G.S. 115C-269.35(b). The State Board shall make the report cards available to the public through the State Board's Internet Web site on an annual basis beginning December 15, 2019, and shall submit the report to the Joint Legislative Education Oversight Committee annually by that date. ~~The State Board of Education shall also provide the information from each EPP's annual performance report to the Board of Governors of The University of North Carolina to be incorporated into the Teacher Quality Dashboard to provide greater accessibility and comparability of data on the performance of EPPs in the State."~~

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

PART IV. STATE SUPERINTENDENT TESTING STUDY

SECTION 4.(a) The State Superintendent of Public Instruction shall study and make recommendations on ways to reduce testing not otherwise required by State or federal law in kindergarten through twelfth grade. By January 15, 2019, the Superintendent shall report findings and recommendations to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee.

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

PART V. DEPARTMENT OF PUBLIC INSTRUCTION DEVELOPMENTAL HEALTH TRAINING PROGRAM AND SUICIDE RISK REFERRAL PROTOCOL

SECTION 5.(a) The Department of Public Instruction, under the direction of the State Superintendent and in consultation with the Department of Health and Human Services, Division of Public Health, shall do all of the following:

- (1) Develop content standards for a mental health training program that includes all of the following topics:
 - a. Youth mental health.
 - b. Suicide prevention.
 - c. Substance use.
 - d. Sexual abuse prevention.
 - e. Sex trafficking prevention.
- (2) Develop a model mental health training program using content and formatting that are evidence based or evidence informed. The model program shall be formatted to enable personnel to satisfy all training requirements through electronic delivery of instruction, videoconferencing, group in person training, or self-study, and shall address one or more of the required topics within a time frame consistent with best practices.
- (3) Develop minimum requirements for a suicide risk referral protocol and develop a model suicide risk referral protocol that provides guidelines on identification of students at risk of suicide, or suspected victims of child abuse, neglect, sexual abuse, or sex trafficking. This model protocol shall include

procedures and referral sources that address actions that can or must be taken in response to identification.

SECTION 5.(b) The State Superintendent shall report the content standards for a mental health training program, model mental health training program, minimum requirements for a suicide risk referral protocol, and model suicide risk referral protocol to the Joint Legislative Education Oversight Committee by October 15, 2018.

SECTION 5.(c) The State Board of Education shall repeal its School-Based Mental Health Initiative policy, SHLT-003.

SECTION 5.(d) This section is effective when it becomes law.

PART VI: RENEWAL SCHOOL SYSTEM

SECTION 6.(a) Authorize Renewal School System Plan; Purpose. – A local board of education of a local school administrative unit that has (i) the greatest percentage of restart model schools in the State that have been approved by the State Board of Education pursuant to G.S. 115C-105.37B(a)(2) for the 2017-2018 school year, (ii) received low-wealth supplemental funding for the 2017-2018 fiscal year, and (iii) more than an average daily membership of 10,000 students for the 2017-2018 school year may submit a local school administrative unit renewal plan (renewal school system plan) to the State Board to permit the local board of education to decide all matters related to the operation of the schools under its control within the local school administrative unit, including use of State funds, curriculum, and operating procedures, except as otherwise provided in this section. The purpose of operating the local school administrative unit under a renewal school system plan shall be for the local board of education to design and create a comprehensive, innovative strategic vision for sustainable school improvement and student achievement through the delivery of instruction and resources tailored to the needs of the students and the community.

SECTION 6.(b) Submission of the Renewal School System Plan. – The State Board of Education shall approve a renewal school system plan that meets the requirements of this section that is submitted to the State Board by the qualifying local board of education by July 15, 2018, to begin operation of the plan with the 2018-2019 school year. The local board shall include at least the following components in its renewal school system plan:

- (1) A resolution adopted by the local board of education to implement the plan in the local school administrative unit.
- (2) A description of how the plan will meet the purpose set forth in subsection (a) of this section and an outline of strategic goals, including improving student achievement and at least the following:
 - a. Policies and support services that will enhance the ability of each school in the local school administrative unit to achieve its own strategic vision and plan within the context of the school system's vision.
 - b. Strategies for attaining and retaining high quality instructional, support, and administrative school personnel employed by the local board of education.
 - c. Methods for the analysis of data to ensure the local board of education is meeting its strategic goals.

SECTION 6.(c) State Board Approval. – The State Board shall approve a renewal school system plan that meets the requirements of this section by August 2, 2018. In accordance with subsection (a) of this section, the local board of education with an approved renewal school system plan shall be exempt from statutes and rules applicable to other local school administrative units for the purpose of operating its schools, except as otherwise provided in this section.

SECTION 6.(d) Applicability of Specific Statutes. – The local board of education with an approved renewal school system plan shall be subject to the following Articles and sections of Chapter 115C of the General Statutes:

- (1) Article 1, Definitions and Preliminary Provisions.
- (2) Article 5, Local Boards of Education, except for the following subdivisions of G.S. 115C-47, Powers and duties generally:
 - a. (5) [To Fix Time of Opening and Closing Schools].
 - b. (10) [To Assure Appropriate Class Size].
 - c. (11) [To Determine School Calendar].
 - d. (13) [To Elect a Superintendent].
 - e. (14) [To Supply an Office, Equipment and Clerical Assistance for the Superintendent].
 - f. (15) [To Prescribe Duties of Superintendent].
 - g. (16) [To Remove a Superintendent, When Necessary].
 - h. (17) [To Employ Assistant Superintendents and Supervisors].
 - i. (18a) [To Adopt Rules and Policies Limiting the Noninstructional Duties of Teachers].
 - j. (21) [Employee Salary Schedules].
 - k. (32) [To Refer All Students Who Drop Out of the Public Schools to Appropriate Services].
 - l. (32a) [To Establish Alternative Learning Programs and Develop Policies and Guidelines].
 - m. (34a) [To Establish Work-Based Opportunities and Encourage High School to Work Partnerships].
 - n. (35) [To Produce School Building Improvement Reports].
 - o. (38) [To Establish School Improvement Teams].
- (3) Article 7, Organization of Schools.
- (4) G.S. 115C-81.30, Reproductive Health and Safety Education Provided by Local School Administrative Units.
- (5) Part 1A, North Carolina Read to Achieve Program, and Part 1B of Article 8, School Performance.
- (6) Article 9, Education of Children With Disabilities.
- (7) Part 3, Preliminary Scholastic Aptitude Test Opportunities Encouraged, and Part 5, Career and College Readiness, of Article 10A.
- (8) Article 8C, Local Safety Plans, except G.S. 115C-105.47A, Proposals to establish alternative learning programs or alternative schools, and G.S. 115C-105.48, Placement of students in alternative schools/alternative learning programs.
- (9) Subsections (c) through (e) of G.S. 115C-218.105, State and local funds for a charter school.
- (10) Part 9 of Article 16, Cooperative Innovative High School Programs.
- (11) Part 2 of Article 17, Food Service.
- (12) Article 21A, Privacy of Employee Personnel Records.
- (13) G.S. 115C-325, System of employment for public school teachers, and Part 6, Criminal History Checks, and Part 8, Sexual Harassment Policies, of Article 22.
- (14) Article 23, Employment Benefits.
- (15) Article 25, Admission and Assignment of Students, except G.S. 115C-372, Assignment to school bus.
- (16) Article 25A, Special Medical Needs of Students.
- (17) Article 26, Attendance.

- (18) Article 27, Discipline.
- (19) Article 28, Student Liability.
- (20) Article 29, Protective Provisions and Maintenance of Student Records.
- (21) Article 29A, Policy Prohibiting Use of Tobacco Products.
- (22) Article 29D, Student Prayer and Religious Activity.
- (23) Article 31, The School Budget and Fiscal Control Act, except G.S. 115C-438, Provision for the disbursement of State money, and G.S. 115C-451, Reports to State Board of Education; failure to comply with School Budget Act.
- (24) Article 33, Assumption of School District Indebtedness by Counties.
- (25) Article 34, Refunding and Funding Bonds of School Districts.
- (26) Article 34B, Qualified Zone Academy Bonds and Qualified School Construction Bonds.
- (27) Article 35, Voluntary Endowment Fund for Public Schools.
- (28) Article 36, Voted Tax Supplements for School Purposes.
- (29) Article 37, School Sites and Property, except G.S. 115C-521(a), Class size requirements.
- (30) Article 38, State Insurance of Public School Property.

SECTION 6.(e) Course of Study Requirements. – The local board of education with an approved renewal school system plan shall provide at least the following as part of the course of study:

- (1) Provide instruction each year for at least 185 days or 1,025 hours over nine calendar months.
- (2) Design its programs to meet, at a minimum, the student performance standards adopted by the State Board of Education and the student performance goals contained in the plan.
- (3) Conduct the student assessments required by G.S. 115C-174.11.

SECTION 6.(f) Identification of Low-Performing Schools. – The State Board of Education shall identify low-performing schools located in the local school administrative unit operating under a renewal school system plan on an annual basis. Low-performing schools are those that earn an overall school performance grade of D or F and a school growth score of "met expected growth" or "not met expected growth" as defined by G.S. 115C-83.15. The State Board shall also identify continually low-performing schools in the local school administrative unit on an annual basis. A continually low-performing school is a school that has been designated by the State Board as low-performing for at least two of three consecutive years.

SECTION 6.(g) Transportation. – The local board of education with an approved renewal school system plan shall provide a system of transportation to students in the local school administrative unit.

SECTION 6.(h) Policy Against Bullying. – The local school administrative unit operating under a renewal school system plan is encouraged to adopt a policy against bullying or harassing behavior, including cyber-bullying, that is consistent with the provisions of Article 29C of Chapter 115C of the General Statutes. If the local school administrative unit adopts a policy to prohibit bullying and harassing behavior, the unit 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).

SECTION 6.(i) Reporting to the State Board. – The local school administrative unit, with an approved renewal school system plan, shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System. The local school administrative unit shall report at least annually to the State Board any information required by the State Board.

SECTION 6.(j) Driving Eligibility Certificates. – In accordance with rules adopted by the State Board of Education, the local board of education, with an approved renewal school

system plan, shall direct the principal of each school in the local school administrative unit to do all of the following regarding driving eligibility certificates:

- (1) Sign driving eligibility certificates that meet the conditions established in G.S. 20-11.
- (2) Obtain the necessary written, irrevocable consent from parents, guardians, or emancipated juveniles, as appropriate, in order to disclose information to the Division of Motor Vehicles.
- (3) Notify the Division of Motor Vehicles when a student who holds a driving eligibility certificate no longer meets its conditions.

SECTION 6.(k) Employees. – Beginning August 2, 2018, the local board of education with an approved renewal school system plan shall employ and establish the terms of any new or renewed contract with necessary school administrators and teachers to perform the particular service for which they are employed in the schools or in a central administrative role for the local school administrative unit except for those teachers employed pursuant to G.S. 115C-325. At least fifty percent (50%) of the teachers in a school shall hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates. The local board of education also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services.

This subsection (i) shall not apply to a contract of employment in effect on August 2, 2018, that by its terms will terminate on a later date and (ii) does not impair any obligations of the local board of education arising under an employment contract executed before August 2, 2018. Any of the following statutes or Articles of Chapter 115C of the General Statutes that applied to a contract of employment entered in to by the local board of education prior to August 2, 2018, shall continue to apply until the end of the term of the contract:

- (1) Article 18, Superintendent.
- (2) G.S. 115C-287.1, Method of employment of principals, assistant principals, supervisors, and directors.
- (3) Part 3, Principal and Teacher Employment Contracts, of Article 22.
- (4) Article 23, Employment Benefits.

SECTION 6.(l) Available State Funds. – Beginning with the 2018-2019 fiscal year, the Department of Public Instruction shall calculate the amount of State funds to be allocated to the local school administrative unit operating under a renewal school system plan on the same basis as other local school administrative units and shall distribute those funds to the unit. The funds allocated to the local school administrative unit shall be subject to any restrictions as to use imposed by federal law, the conditions of federal grants, or as provided through any rules that the State Board adopts to ensure compliance with federal regulations. Use of these funds shall otherwise be unrestricted except as provided in this section.

In no event shall the local school administrative unit receive a total amount of State funds in the 2018-2019 fiscal year under the disbursement method described in this subsection that is less than the total amount of State funds the local school administrative unit received in the 2017-2018 fiscal year.

SECTION 6.(m) Provision for Disbursement of State Money. – The deposit of money in the State treasury to the credit of the local school administrative unit operating under an approved renewal school system plan shall be made as necessary for the operation of the local school administrative unit.

The State Board of Education may withhold money to be distributed to the local school administrative unit if any report required to be filed with State school authorities is more than 30 days overdue.

Money in the State Public School Fund and State bond moneys shall be released only on warrants drawn on the State Treasurer, signed by a local official as required by the State Board.

SECTION 6.(n) State Budget Act Compliance. – The State Board of Education shall have authority to require the local school administrative unit operating under an approved renewal school system plan to make reports as it may deem advisable with respect to the financial operation of the schools located in the unit. If the local board of education willfully or negligently fails or refuses to comply with applicable laws and regulations of the School Budget and Fiscal Control Act, the State Board shall issue a warning to the local board of education and direct it to take remedial action. If the local board of education, after warning, persists in willfully or negligently failing or refusing to comply with these laws and regulations, the State Board shall by resolution assume control of the financial affairs of the local board of education and shall appoint an administrator to exercise the powers assumed. The adoption of a resolution shall have the effect of divesting the local board of education of its powers as to the adoption of budgets, expenditure of money, and all other financial powers conferred upon the local board of education by law.

SECTION 6.(o) Withholding for Retirement Contributions. – Upon notification by the Board of Trustees of the Teachers' and State Employees' Retirement System to the State Treasurer and the Office of State Budget and Management as to any default of the local school administrative unit operating under an approved renewal school system plan, the State Board shall withhold from any State appropriation due to the local school administrative unit an amount equal to the sum of all delinquent contributions and payments due to the Retirement Systems Division and shall transmit that amount to the Retirement Systems Division.

SECTION 6.(p) State Board of Education Review; Termination of Plan. – The State Board shall conduct a review of the operation and student performance of the local school administrative unit operating under an approved renewal school system plan following the end of the 2022-2023 school year and, at least every three years thereafter, to ensure that the unit is meeting the expected academic, financial, and governance strategic goals set forth in the local board of education's plan. The State Board may terminate the renewal school system plan after a review upon any of the following grounds:

- (1) Failure to meet the requirements for student performance contained in the plan.
- (2) The majority of schools in the local school administrative unit have been identified as low-performing schools in the two school years immediately preceding the review.

If the State Board determines that the local school administrative unit operating under an approved renewal school system plan has failed to meet generally accepted standards of fiscal management or violated State or federal law, the State Board may terminate the renewal school system plan prior to the end of 2022-2023 school year. In addition, if the State Superintendent finds that satisfactory progress is not being made after reviewing the reports required to be submitted under subsection (q) of this section, the State Superintendent shall recommend to the State Board that the renewal school system plan be terminated immediately. The State Board shall terminate the renewal school system plan if such a recommendation is made by the State Superintendent.

Upon termination of the renewal school system plan by the State Board, the State Board shall develop a transition plan for the local board of education to revert to operating the local school administrative unit in accordance with applicable State laws and regulations for other local school administrative units.

SECTION 6.(q) Reporting to State Superintendent. – The local school administrative unit operating under an approved renewal school system plan shall report to the State Superintendent of Public Instruction as follows:

- (1) An annual report on the assessment instruments used pursuant to G.S. 115C-174.11(a) and the student outcomes based on those assessments.
- (2) An annual report on the number of classroom teacher and school administrator vacancies, turnover, and use of long-term substitutes in filling vacancies for both classroom teachers and school administrators. This report shall also provide comparisons with the statewide data on these items. In addition, the report shall also provide comparisons with the previous year's data on these items both at the local school administrative unit level and statewide.
- (3) An annual report on student absences. This data shall provide comparisons with the previous year's data on these items.
- (4) Any other reporting requirements deemed necessary by the State Superintendent of Public Instruction.

SECTION 6.(r) This section is effective when it becomes law.

PART VII: EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2018