



*PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT*

# **2009 LEGISLATIVE SUMMARY**

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**2009 Legislative Summary**

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**SUMMARY OF FY 2009-11 BIENNIUM BUDGET BILL**  
**SB 202 – (S.L. 2009-451)**

**Money Report**

<b>PUBLIC EDUCATION</b>	<b>FY 09-10</b>		<b>FY 10-11</b>	
Adjusted Continuation Budget	\$8,245,341,827		\$8,358,798,223	
<b>A. Technical Adjustments</b>				
Adjust Continuation Budget	(\$73,903,050)	R	(\$118,955,313)	R
Mandatory Continuation Budget Increases	\$27,269,605	R	\$61,106,959	R
Education Stabilization Fund - Noninstructional Support Personnel Reduction	(\$379,668,352)	NR	(\$373,281,648)	NR
Children with Disabilities Head-Count Adjustment	(\$15,987,833)	R	(\$15,987,833)	R
Learn and Earn Online Technical Adjustment	\$3,523,248	R	\$3,523,248	R
Civil Penalties Receipts	(\$6,324,790)	R	(\$6,324,790)	R
Financing School Bus Replacement	(\$6,347,581)	R	(\$10,334,288)	R
Textbook Freight	(\$217,837)	R	(\$217,837)	R
<b>B. State Public School Fund</b>				
Information Highway	(\$1,200,000)	R	(\$1,200,000)	R
School Technology Fund	(\$9,613,872)	NR	(\$9,000,000)	NR
Textbooks	(\$47,977,278)	NR	(\$115,410,044)	NR
Textbook Balance Restoration	\$50,000,000	NR		
NC Wise Owl	(\$500,000)	R	(\$500,000)	R
Central Office Administration	(\$14,613,199)	R	(\$14,613,199)	
More at Four	(\$5,000,000)	R	(\$5,000,000)	R
LEA Adjustment	(\$225,000,000)	R	(\$304,774,366)	R
Testing			(\$3,020,122)	R
Focused Education Reform	(\$483,373)	R	(\$4,833,728)	R
			\$4,350,355	NR
Staff Development	(\$12,557,920)	NR	(\$12,619,829)	NR
Improving Student Accountability	(\$38,339,798)	R	(\$38,339,798)	R
Critical Foreign Language Pilot	(\$500,000)	R	(\$500,000)	R
	\$100,000	NR		
Literacy Coaches	(\$12,034,400)	R	(\$12,034,400)	R
Noninstructional Support Personnel	(\$10,000,000)	R	(\$10,000,000)	R
Math and Science Supplement Pilot	(\$515,115)	R	(\$515,115)	R

Mentoring	(\$2,000,000)	R	(\$2,000,000)	R
Limited English Proficiency	(\$2,000,000)	R	(\$2,000,000)	R
Small County Supplemental Funding	(\$2,000,000)	R	(\$2,000,000)	R
Transportation	(\$15,000,000)	R	(\$15,000,000)	R
Small Specialty High Schools	(\$3,222,496)	R	(\$3,222,496)	R
Child and Family Support Teams	(\$1,252,183)	R	(\$1,252,183)	R
Learn and Earn Early College High Schools	\$3,601,265	R	\$3,601,265	R
	\$120,000	NR		
North Carolina Virtual Public Schools	\$2,000,000	R	\$2,000,000	R
<b>C. Department of Public Instruction</b>				
DPI Position Reduction	(\$4,625,856)	R	(\$5,420,925)	R
DPI Operating Funds	(\$2,087,638)	R	(\$2,846,779)	R
Plan for Statewide Motor Coach Permit	\$5,000	NR		
Legacy Funds				
Personal Financial Literacy	(\$500,000)	R	(\$500,000)	R
Governor's Schools	(\$75,000)	R	(\$475,000)	R
Teacher Working Conditions Survey			(\$215,000)	NR
Interstate Commission for Educational Opportunity for Military Children	\$48,306	R	\$48,306	R
District and School Transformation Initiative	\$2,500,000	R	\$2,500,000	R
<b>D. Pass-Through Funds</b>				
Tarheel Challenge Academy	\$1,228,350	R	\$1,228,350	R
Appropriations to Non-Public School Organizations	(\$4,594,519)	R	(\$4,594,519)	R
			\$2,108,434	NR
Communities in Schools - (\$160,750)				
Schools Attuned - (\$820,911)				
ExplorNet - (\$300,000)				
Teacher Cadet - (\$60,000)				
NC Network - (\$312,625)				
Science Olympiad - (\$22,500)				
Teach for America - (\$50,000)				
NC Math and Science - (\$100,000)				
Project Enlightenment - (\$200,000)				

<b>E. Other Reserves and Transfers</b>				
Teaching Fellows Trust Fund				
Children's Trust Fund	(\$247,500)	R	(\$247,500)	R
Business and Education Technology Alliance	(\$134)	R	(\$134)	R
North Carolina Center for the Advancement of Teaching	\$5,913,229	R	\$5,913,229	R
State Literary Fund				
Computer Revolving Loan Fund	(\$6,573)	R	(\$6,573)	R
Dropout Prevention Grants	\$13,000,000	R	\$13,000,000	R
<b>Total Legislative Changes</b>	<b>(\$389,488,165)</b>	<b>R</b>	<b>(\$495,897,268)</b>	<b>R</b>
	<b>(\$399,592,422)</b>	<b>NR</b>	<b>(\$504,067,732)</b>	<b>NR</b>
<b>Revised Budget</b>	<b>\$7,456,261,240</b>		<b>\$7,358,833,223</b>	

<b>OTHER MONEY PROVISIONS</b>	<b>FY 09-10</b>		<b>FY 10-11</b>	
<b>F. Community Colleges</b>				
Reduce 2+2 E-Learning Initiative	(\$250,000)	R	(\$250,000)	R
Eliminate General Education Courses for Dual Enrollment/Huskins Students	(\$14,612,950)	R	(\$14,612,950)	R
<b>G. UNC System</b>				
Phase Out Tuition Grant for NC Science and Math Students				
Abolish Future Teachers Scholarship-Loan Program	(\$1,267,500)	R	(\$1,495,000)	R
NC Center for the Advancement of Teaching	(\$6,956,740)	R	(\$6,956,740)	R
A+ Schools	(\$50,000)	R	(\$50,000)	R
CFNC Teacher Recruitment Module	(\$25,000)	R	(\$25,000)	R
NC Model Teacher Education Consortium	(\$450,000)	R	(\$450,000)	R
Summer Term Teacher Education Programs	(\$350,000)	R	(\$350,000)	R
Teacher Recruitment and Retention	(\$350,000)	R	(\$350,000)	R
<b>H. Department of Health and Human Services</b>				
Prevent Blindness	\$150,000	NR		

<b>H. Department of Juvenile Justice and Delinquency Prevention</b>				
Gang Prevention and Intervention Pilot Program	\$6,000,000 (from stimulus funds)	NR	\$6,000,000 (from stimulus funds)	NR
Eliminate Pass-Through Funding-Boys & Girls Club	(\$400,000)	R	(\$400,000)	R
Eliminate Support Our Students Program	(\$6,627,532)	R	(\$6,627,532)	R
<b>H. Transportation</b>				
Continuation Review of the Drivers Education Program	(\$33,959,859)	R	(\$33,321,964)	R
	\$33,959,859	NR		
DPI - Driver's Education Program	(\$1,100,000)	NR		

### Special Provisions

## PART II – CURRENT OPERATIONS AND EXPANSION GENERAL FUND

### **Section 2.2(a) General Fund Availability Statement**

Among the availability adjustments in this section is a two-year suspension of the corporate income tax diversion to the Public School Building Capital Fund (PSBCF). This will cost the fund \$60.5 million in FY 2009-10 and \$64.5 million in FY 2010-11.

## PART V - OTHER APPROPRIATIONS

### **Section 5.1 Civil Forfeiture Funds**

This section allocates \$156.5 million in FY2009-10 and \$138.3 million in FY2010-11 from the Civil Penalty and Forfeiture Fund to the School Technology Fund (\$36.1 million and \$18 million) and State Public School Fund (\$120.3 million) for appropriation. Part (b) instructs the UNC system to remit \$18 million in parking fines that has been held in escrow to the Civil Forfeiture Fund as the first funds that the General Assembly has allocated for school technology to comply with the \$747 million court judgment from August 2008.

### **Section 5.2 Education Lottery**

This section allocates the funds from the lottery to class size reduction, Pre-K programs, the Public School Building Capital Fund and scholarships for needy students. However, the section also freezes transfers to the lottery reserve fund for the 2009-10 and 2010-11 fiscal years.

## PART VI – GENERAL PROVISIONS

**Section 6.6C American Recovery and Reinvestment Act of 2009 (ARRA) Funds Appropriated**

Appropriates ARRA funds and grants that are not otherwise specifically appropriated by the State budget. Authorizes State agencies to spend necessary matching funds required by ARRA funds awarded during the 2008-2009 State fiscal year. Stipulates that “Nothing in this subsection shall be construed to prohibit the use of federal ARRA funds to employ teachers and other school personnel for the 2009-2010 school year.” Authorizes The State Office of Economic Investment and Recovery to use up to \$1 million for operating expenses during FY 2009-10.

**Section 6.6F Establish Severance Expenditure Reserve**

Establishes a reserve fund within OSBM to cover severance salary and up to 12 months of noncontributory health premiums for State-supported public employees terminated by public agencies (including LEAs) due to a reduction-in-force action. All the funds in the reserve must be used before funds appropriated to a public agency for State-supported personal services expenditures may be used to fund any severance-related obligation.

**PART VII. PUBLIC SCHOOLS**

**Section 7.1 Children with Disabilities**

Reduced funding for children with special needs based upon the April 1, 2009 headcount. Funding per student still increased to \$3,500.77/child (was \$3,386.84/child) for a maximum of 168,947 disabled children for the 2009-2010 school year. The 12.5% funding cap of the LEA’s ADM remains in place.

**Section 7.2 Funds for Academically Gifted Children**

Designates \$1,163.07 per each academically or intellectually gifted child (was \$1,137.19), not to exceed 58,597 children for the 2009-2010 school year. The 4% funding cap remains in place.

**Section 7.3 Use of Supplemental Funding in Low-Wealth Counties**

This standard provision details the distribution and expenditure of low-wealth funds. (Same as 2008)

**Section 7.4 Small School System Supplemental Funding**

Funding base is decreased to \$717,360, excluding textbooks, for 2009-2010 and 2010-2011. Funds shall be allocated to (1) provide 5 and one-half additional regular classroom teachers in counties in which ADM per square mile is greater than 4 students, and 7 additional regular classroom teachers in counties in which ADM per square mile is 4 students or fewer, (2) change the duty-free period allocation to 1 teacher assistant per 400 ADM, and (3) to provide vocational funds for grade 6 and 7-12.

**Section 7.5 Replacement School Buses/Funds**

Adjusts the schedule for school bus financing from three years to four on a recurring basis, generating savings for the State of \$6,347,581 this year and \$10,334,288 next year. Additional provisions are consistent with those from prior budget acts.

### **Section 7.6 Discrepancies Between Anticipated and Actual ADM**

This standard provision permits the State Board of Education (SBE) to use funds appropriated to State Aid for Public Schools to make ADM allotment adjustments in accordance with the North Carolina Public Schools Allotment Policy Manual if funds in the ADM Contingency Reserve are insufficient. The provision also requires that if the higher of the first or second month ADM in an LEA is at least 2% or 100 students lower than anticipated, the SBE shall reduce allotments for that unit. (Same as 2007)

### **Section 7.7 Litigation Reserve Funds**

The SBE may expend up to \$500,000 for each of the 2009-10 and 2010-11 fiscal years from unexpended funds for certified employees' salaries to pay expenses related to litigation. This is an increase from the \$200,000 allocated for this purpose in previous budget.

### **Section 7.8 Protection of the Classroom While Maximizing Flexibility**

Provides guidance for school systems in implementing a recurring "discretionary cut" of \$225 million in FY2009-10 and \$304.8 million in FY2010-11. These cuts will be distributed based on ADM. The SBE is authorized to implement rules waiving LEAs from the statutory restrictions on funding allotment category transfers (G.S. 115C-105.25) and granting LEAs "maximum flexibility" in the use of State funds. These SBE rules will be subject only to the requirements that transfer of textbook funds to other allotments be authorized to manage funding cuts *and* that funds not be transferred from school-based positions to the central office. LEAs are specifically forbidden from changing teacher and class size allocations in grades K-3 but no such restriction applies to grades 4-12. Nonetheless, LEAs are instructed to "make every effort to reduce spending whenever and wherever such budget reductions are appropriate with the goal of protecting direct classroom services and services for students at risk and children with special needs."

### **Section 7.9 North Carolina Virtual Public Schools**

Funds for NCVPS are increased \$2 million in addition to \$2.7 million in existing recurring NCVPS funding. NCVPS shall be available at no cost to all North Carolina high school students who are enrolled in public schools, Department of Defense schools, and schools operated by the Bureau of Indian Affairs but shall only provide high school courses. The SBE is instructed to protect funding by tapping into ARRA money and the school technology appropriation, if needed.

### **Section 7.10 Learn and Earn Online**

Restores most of the \$5 million continuation budget increase that had been removed in the Adjust Continuation Budget line item. The language allows nonpublic school students in grades 9-12 to enroll in any Learn and Earn Online course, provided that space is available after being offered to an eligible public school student. Additional provisions consistent with those from prior budget acts.

### **Section 7.11 ABCs of Public Education**

One-year moratorium placed on ABC bonuses that would have been awarded based on 2008-09 academic performance. Instructs SBE to develop a plan to restructure the ABC program and report to the Governor and Joint Legislative Education Oversight Committee by January 31, 2010.

**Section 7.12 School Connectivity Initiative**

Reduces maximum annual amount authorized to be transferred to the Friday Institute at NC State from \$600,000 to \$300,000.

**Section 7.13 Dropout Prevention Grants**

Provides \$13 million, on a recurring basis, to new recipients and to extend additional funding to previous grantees. Establishes a maximum grant size of \$175,000. Issues other regulations regarding the distribution of grants.

**Section 7.14 Department of Public Instruction/Budget Flexibility**

Authorizes DPI to reorganize, if necessary, to implement the reductions in their budget.

**Section 7.15 Business Education Technology Alliance**

Eliminates the Business and Education Technology Alliance established under G.S. 115C-102.15 and redirects the money to support General Fund appropriations.

**Section 7.17 North Carolina 1:1 Learning Project**

Ensures that any funds appropriated for this purpose which are unexpended or unencumbered at the end of FY 2008-09 shall not revert but shall remain available for expenditure through June 30, 2010.

**Section 7.18 Assessment and Accountability**

Requires that funds appropriated for testing (Section 7.20) are spent by SBE to develop new EOC and EOG tests, identify national assessments, or both. Any new tests are to be aligned with the new essential standards and included in the SBE's new accountability restructuring plan.

Also directs the SBE to investigate and pilot a developmentally appropriate assessment for students in elementary grades during the 2009-10 school year.

**Section 7.19 Development of a PreK-20 Data System**

Directs DPI to work with the Community Colleges and the UNC system to develop and determine technical specifications and data standards for a system that centralizes data regarding students enrolled in pre-kindergarten through doctoral programs, in line with the requirements of the federal stimulus package. Outlines specific requirements that the standards and specifications must address.

**Section 7.20 Eliminate Certain Tests**

Eliminates funding for many State-administered tests not required by Federal law or as a condition of Federal grants. Per the money report, eliminated tests include: Chemistry EOC, Physics EOC, Reading Competency, Math Competency, Grade 3 Math and

Reading Pretests, and Computer Skills. Money saved from the elimination of these tests can be used to help develop a new testing system (see Section 7.18), as well as develop and implement a new Standard Course of Study or all content areas and grade levels.

**Section 7.21 Remove Barriers to Lateral Entry Into Teaching**

SBE is instructed to review North Carolina’s lateral entry program and identify and remove any barriers that may exist preventing skilled private sector individuals from moving into the teaching profession. Among the items to be addressed are the requirements regarding coursework and competencies. Also, individuals should be given additional opportunities to complete coursework online and at community colleges.

**Section 7.22 No Pay Decrease for Teachers Who Become Assistant Principals**

Amends administrator salary statute to specify that any teacher who is promoted to an assistant principal position without a break in service is to be paid at least as much on a monthly basis as they would have received if they were still a teacher in that school system.

**Section 7.26 Teachers for Geographically Isolated K-12 Schools**

Directs SBE to modify its policy regarding the allotment of additional classroom teachers to schools containing grades K-12 when consolidation is not feasible due to the geographic isolation of the school. Requires SBE to provide a minimum level of teacher allotments for schools located in an LEA with an ADM of less than 1.5 per square mile.

**Section 7.27 Ensure Access to the EVAAS System**

SBE shall ensure that all LEAs and charter schools have access to the SAS Education Value Added Assessment System. Appropriations from the State Public School fund may be used for this purpose.

**Section 7.28 Local Boards Must Inform Public About School Report Cards**

Amends statutory law regarding the duties and powers of local boards of education to add a requirement that local boards are to ensure that its annual system report card “receives wide distribution to the local press or otherwise.”

**Section 7.29 Plan for Statewide Motor Coach Permit**

This section appropriates \$5,000 for the SBE to work with the DMV to develop a Statewide permit program for commercial motor coach companies that contract with school systems for transportation needs. Specifies the purpose of the permit and the components that must be included in the permitting plan. NCSBA is named as one of the groups that must be consulted.

**Section 7.30 NBPTS Application Costs**

State grants to teachers for participation fees to achieve national certification from NBPTS will be changed to loans that will be administered by the North Carolina State Education Assistance Authority and must be repaid within three years. Will take effect July 1, 2010 and apply beginning with the 2010-11 school year.

### **Section 7.31 School Technology Plans**

Amends the law requiring local boards to develop a school system technology plan. New language encourages local boards, in developing the plan, to incorporate it into the LEAs strategic planning and to bring together stakeholders within the LEA (curriculum leaders, teachers, administrators, and more). The section also eliminates the assistive role of the State Office of Information Technology Services in developing local school technology plans. DPI will now be the assisting agency. The provision requires that State School Technology Funds that are allocated to an LEA shall not be expended until that LEAs local school technology plan has been approved by the SBE. The provision also makes a number of changes to the State school technology plan.

### **Section 7.32 IDEA Funds**

Encourages LEAs to redirect IDEA funds received under the federal stimulus package to other at-risk students and establishes reporting requirements on the use of these funds.

### **Section 7.33 Access to NCVPS and Learn and Earn Online**

Directs SBE to report to the Joint Legislative Education Oversight Committee and Fiscal Research Division prior to December 1, 2009 on its policies and funding sources regarding nonpublic school students' access to these programs (also see Section 7.10).

### **Section 7.34 Education Stabilization Funds**

Authorizes LEAs to use funds from the State Fiscal Stabilization Fund in the federal stimulus package to offset budget cuts in 20 allotment categories that the budget defines as the State's "primary budget formulae."

The largest allotment cut among these is a nonrecurring \$380 million cut to the noninstructional support personnel allotment which the General Assembly specifically directs to be supplanted by these stabilization funds.

Other allotments reduced by the budget that may be filled by the stabilization funds include:

- An additional recurring noninstructional support reduction (\$10 million)
- Textbooks (\$47 million) nonrecurring
- Transportation (\$15 million) recurring
- Central Office Administration (\$14 million) recurring
- Staff Development (\$12 million) nonrecurring
- School Technology Fund (\$9 million) nonrecurring
- Mentoring (\$2 million) recurring
- LEP (\$2 million) recurring

### **Section 7.35 Salary of Teachers with Graduate Degrees**

Freezes salaries of masters pay for teachers at 2008-09 levels.

### **Section 7.36 Abolish Computer Loan Revolving Fund**

Eliminates the computer loan revolving fund that enables LEAS to purchase computer equipment to implement the Uniform Education Reporting System. Redirects the funds to support General Fund appropriations for the 2009-10 fiscal year.

**Section 7.37 Loans from State Literacy Fund Prohibited**

Converts the State Literacy Fund from a loan program managed by SBE to a source of appropriations for the General Assembly to use exclusively for public schools. Appropriates current cash balance in the Fund to DPI to spend on school technology.

**Section 7.38 Charter School Evaluation**

\$50,000 is appropriated to NC Center for Public Policy Research to evaluate charter schools. Particular attention is to be paid to the extent to which charter schools have accomplished their six objectives enumerated in G.S. 115C-238.29A.

**Section 7.39 Governor’s School Tuition**

Beginning January 1, 2010, a tuition of \$500 per student will be charged.

**Section 7.40 School Calendar Pilot Program**

Instructs SBE to establish a school calendar pilot program in Wilkes County to determine whether and to what extent an LEA may save money from school calendar consolidation. Under this program, Wilkes County is authorized to set up a school calendar that includes a minimum of 180 days *or* 1,000 hours of instruction covering at least nine months. Sets August 24<sup>th</sup> as the earliest possible school start date and protects teacher salaries from being affected by any change in the school calendar.

**Section 7.41 More Teachers in Classroom**

Beginning January 1, 2011, NBPTS teachers will no longer be permitted to serve as full-time mentors and such service will no longer count toward definition of a “teacher” under State law.

**PART VIII – COMMUNITY COLLEGES**

**Section 8.6 Learn and Earn Online Funds**

Ensures that any enrollment of community college students in Learn and Earn Online during any term shall be equivalent to other enrollments for budget purposes. The Community Colleges may only seek reimbursement from DPI for technology, course fees, and textbooks required for course participation. Directs OSBM to transfer sufficient funds from the State Public School Fund for such reimbursements.

**Section 8.22 Funding for High School Students Enrolled in Community Colleges, Colleges, and Universities**

Instructs the Community Colleges System Office to work with DPI and the UNC Board of Governors to study issues related to funding for high school students enrolled in community college, college, and university courses. The study is to look at the cost of serving these students by grade level and an analysis of the most efficient and effective

method of paying for those expenditures. Study results are to be submitted by January 15, 2010.

## **PART IX – UNIVERSITIES**

### **Section 9.6 Repeal Full Tuition Grant for Graduates of North Carolina School of Science and Mathematics Who Attend a State University**

Phases out statutory grant covering full tuition costs for any NC School of Science and Mathematics (NCSSM) graduates who enroll as full-time students at a State university. Effective immediately, the grant will be available only to students who are NCSSM enrollees as of 2008-09 or earlier and the entire grant program will be eliminated on July 1, 2014.

### **Section 9.13 Transfer the North Carolina Center for the Advancement of Teaching to the State Board of Education**

Amends various statutes to provide that SBE shall have ownership, including property, resources, assets, liabilities, and operations, of NCCAT. Provides that NCCAT board of trustees shall retain all day-to-day executive powers and duties to ensure the Center's functions are properly carried out. Sets November 1, 2009 as the date by which transfer from UNC system to SBE is to be completed. Provides that UNC system may retain control of any NCCAT duties and responsibilities as agreed upon by UNC, SBE, NCCAT and Western Carolina University.

### **Section 9.18 Phase Out Future Teachers Scholarship Loan Program**

Phases out scholarship loans from the Future Teachers of North Carolina Scholarship Loan Fund by limiting new awards in the 2010-2011 academic year exclusively to seniors who are scheduled to graduate no later than that academic year and fully eliminates the program on July 1, 2011. Ensures that all financial obligations and legal responsibilities to any student awarded a scholarship loan before July 1, 2011 shall be fulfilled contingent on the student retaining eligibility.

## **PART X – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Section 10.7A Task Force on the Consolidation of Early Childhood Education and Care**

Provides that "it is the intent of the General Assembly that not later than July 1, 2010, certain agencies and programs relating to early childhood education and care shall be consolidated." Establishes a task force to study and recommend the most efficient and effective strategies for consolidating early childhood education programs. The group is to consider all of the following agencies and functions for possible consolidation: Smart Start, More at Four, Title I Pre-K programs, Preschool Exceptional Children, Early Intervention Programs, Head Start Collaboration, Child Care Regulatory and Subsidies, Licensing and Regulatory Functions, Workforce and Professional Development and Recognition, and Quality Initiatives.

**Section 10.13 Reenact Special Provision on Collaboration on School-Based Child and Family Team Initiative**

Reauthorizes, for the 2009-11 fiscal biennium, the School-Based Child and Family Team Initiative. The Initiative’s purpose is to identify and coordinate appropriate community services and support for children at risk of school failure or out-of-home placement in order to address the physical, social, legal, emotional, and developmental factors that affect academic performance.

**Section 10.24 Funds for School Nurses**

Appropriates \$1 million in each fiscal year to hire 20 additional school health nurses and increase the total number of DHHS supported school nurses to 232. Stipulates that usage of funds is to supplement, not supplant, other State, local, and federal funds used for school nurses; and that counties are to maintain their current level of county effort and funding for school nurses. Provides that school nurse distribution shall be made according to criteria established by DHHS in 2006.

**Section 10.43 Program on Prevention of Abuse and Neglect**

Transfers the Children’s Trust Fund from DPI to DHHS and makes conforming statutory changes.

**Section 10.51A Office of Education Services/Funds Transfer**

Transfers \$175,321 from the Office of Education Services Trust Fund to the Office of Education Services General Fund to support the operations of the North Carolina School for the Deaf at Morganton, Eastern North Carolina School for the Deaf at Wilson, and Governor Morehead School for the Blind. Directs DHHS to work with SBE and DPI to develop and recommend plans to achieve efficiencies of scale and ensure the appropriate education of students with visual and hearing impairments.

**Section 10.78(gg) Maternal and Child Health Block Grant**

This section stipulates that if federal funds are received under the Maternal and Child Health Block Grant for abstinence education in FY 2009-2010, then those funds are to be transferred to the State Board of Education to be administered by DPI for the reproductive health and safety education program, including abstinence until marriage.

**PART XV – JUDICIAL DEPARTMENT**

**Section 15.20 Increase Certain Court Fees**

Subsections (j) and (k) increase fines by \$.50 for front seat motor vehicle passengers who do not wear a seat belt and for motorcycle/moped riders who do not wear helmets.

Subsection (m) allows the Judicial Department to charge collection costs to offenders who owe fees or costs and are not sentenced to supervised probation. The prohibition of a collection charge for fines remains in place.

**PART XVIII – DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

**Section 18.6 Eliminate Support Our Students Program**

Repeals statutory provision authorizing this program.

**Section 18.9 Establish Youth Accountability Planning Task Force**

Establishes a Youth Accountability Planning Task Force composed of 21 members, including the Superintendent of Public Instruction. The Task Force is to determine whether the State should amend the laws concerning persons 16 and 17 years of age who commit crimes or infractions; determine whether the Juvenile Code or the Criminal Procedure Act should be revised to provide appropriate sanctions, services, and treatment for those offenders; and study expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons 16 and 17 years of age who commit crimes or infractions.

**Section 19.16 Authorize State Retirees and Local Governmental Employees to Purchase from Correction Enterprises**

Permits any current employee or retiree of the State or a unit of local government of the State, verified through State-issued identification or through proof of retirement status, to purchase products and services marketed by the Division of Correction Enterprises. Purchases by State or local government employees or retirees may not exceed \$2500 during any calendar year and purchased products may not be resold.

**PART XXVI – SALARIES AND BENEFITS**

**Section 26.1A(a) Public Employee Salaries**

Provides that certain officers and employees who received salary increases for FY 2008-09 in last year’s budget will not receive a salary increase for the 2009-10 or 2010-11 fiscal years. This specifically applies to public school teachers, administrators, central office staff, and noncertified personnel.

**Section 26.14E Benefits Protection for Furloughed State Government Employees and Public School Personnel**

Protects a furloughed employee’s benefits by stipulating that a public employee on a furlough who is a member of any State-supported retirement plan is to be considered in active service during any furlough period and entitled to all of the same benefits to which the employee was entitled on the workday immediately preceding the furlough. The employee shall suffer no diminution of retirement average final compensation based on the furlough, and the retirement average final compensation shall be calculated based on the undiminished compensation. During a furlough period, the employer shall pay both employee and employer contributions on behalf of the furloughed employee as though the employee were in active service.

A furloughed employee who is a member of the State Health Plan for Teachers and State Employees shall be considered eligible for coverage under the Plan on the same basis as on the workday immediately preceding the furlough. The public employer shall pay

contributions on behalf of the furloughed public employee as though the employee were in active service.

These provisions will not apply to a furlough within a public agency that is designed:

- (1) to solely and selectively provide benefits to a public employee or a subset of public employees, or to extend or enhance benefits beyond those that normally accrue to a public employee as a result of employment.
- (2) to allow the public agency to settle any claim against the public agency or to gain additional economies not specifically required by this act.

The provision provides that anytime a local school board authorizes a furlough of public agency employees, the respective authorizing officer or entity shall report to the State Treasurer, the Director of the Retirement Systems Division, and the Executive Administrator of the State Health Plan on the following:

- (1) Specifics of the authorized furlough including the applicable reduction in salary and the date the reduction in salary will occur.
- (2) The positions affected.
- (3) The individual employees affected, including the applicable reduction in salary and whether the employee is subject to or exempt from the Fair Labor Standards Act.
- (4) Certification that the furlough is not in connection with a demotion or any other disciplinary action.
- (5) Certification that the furlough is to accomplish economies specifically required by this act, including the specific budget provision or reduction the furlough is intended to address.
- (6) Certification that the furlough is not related to the settlement of any claim against a public agency.

### **Section 26.15 Teacher Salary Schedules**

As provided in Section 26.1A(a), salaries for “A” and “M” teachers will be frozen at 2008-09 levels. Adds an additional step to each schedule to bring total steps to 33.

### **Section 26.16 School Based Administrator Salary Schedule**

This provision sets out school administrator salary schedules. As provided by Section 26.1A(a), school administrator salaries will be frozen at 2008-09 levels. Adds an additional step to each schedule to bring total steps to 37 for Principals classified in I-IV range and 42 for Principals classified in V-VIII range. **Note** that last year’s salary

schedule was erroneously included in this section; a separate bill, HB1172, was passed to provide the correct salary schedule.

**Section 26.20 Salary-Related Contributions/Employer**

Earlier this session, the General Assembly passed a temporary adjustment to the State Health Plan. That legislation also set the State’s employer contribution rates for retirement and related benefits for teachers and State employees at 8.54% in FY2009-10 and 8.94% in FY2010-11. This section changes those contribution percentages to 8.75% and 10.51%, respectively.

The contribution rates for hospital/medical benefits, the Disability Income Plan, and the Death Benefits Plan will remain at 4.50%, .52%, and .16%, respectively.

**PART XXVIIA – TAX CHANGES**

**Section 27A.2 Increase Sales and Use Tax by One Percent**

Subsection (a) provides that, between September 1, 2009 and October 1, 2009, the State sales tax will be raised to 5.5% and then, after October 1, 2009, the rate will go to 5.75%.

Subsection (c) decreases the sales tax share to be distributed to counties and cities from 7.7% to 6.74%.

**Section 27A.4 Alcohol Excise Tax Changes**

Subsection (a) increases excise taxes on beer, wine and liquor. Rates are raised roughly 8 cents per gallon for beer, 5 cents per liter for wine, and 5% for liquor.

Subsection (b) decreases the percentage of excise taxes on beer, wine, and liquor to be distributed to the counties and cities in which the retail sale of such beverages is authorized. The reductions are as follows:

Beer: 23.75% to 20.47%

Unfortified Wine: 62% to 49.44%

Fortified Wine: 22% to 18%

**Section 27A.7 Study North Carolina’s Sales and Income Tax Structure**

Authorizes the Finance Committees in both the House and the Senate to meet prior to the 2010 legislative session to study and recommend legislation that will reform North Carolina’s sales and income tax structure in order to broaden the tax base and lower tax rates.

**SUMMARY OF LEGISLATION ENACTED BY THE GENERAL  
ASSEMBLY**

\*\*\**ALL BILLS ARE EFFECTIVE UPON BECOMING LAW UNLESS OTHERWISE  
NOTED*\*\*\*

**Public/Statewide Legislation**

**House**

HB 9: No Texting While Driving (S.L. 2009-135) creates a new violation for when a driver reads or types a text message or e-mail while operating a motor vehicle on a public street, highway or vehicular area. The offense is an infraction unless the operator is driving a school bus in which case it is a Class 2 misdemeanor with a fine of not less than \$100.

G.S. 20-137.3(a)(1), 20-137.4A

HB 42: Science Safety in Public Schools (S.L. 2009-59)

Section 1. Each local board of education shall certify by July 1, 2010 and annually thereafter to the SBE that all high school and middle school science labs are equipped with appropriate personal protective equipment for teachers and students.

Section 3. No LEA shall apply for a certificate of occupancy for any new middle school or high school building until plans for science labs have been reviewed and approved by SBE.

G.S. 115C-81.4, 115C-296(b), 115C-521

HB 43: School Bd. Members/Failure to Discharge Duty (S.L. 2009-107) Adds school board members to the list of public officials who would be guilty of a Class 1 misdemeanor for willfully and corruptly omitting, neglecting, or refusing to discharge the duties of the office they hold. The school board member would also be removed from office as part of the punishment for the offense.

G.S. 14-230

HB 65: Students Under 16 May Attend Community College (S.L. 2009-46) reenacts the statute allowing intellectually gifted students under the age of 16 to attend community college.

G.S. 115-1.1

HB 79: Extend School Formula Study Committee (S.L. 2009-276) authorizes the Joint Legislative Study Committee on Public School Funding Formulas to review any

modifications to school funding formulas enacted by the General Assembly and requires an evaluation of those modifications. The Committee may report to the General Assembly at least once a year and shall terminate upon completion of its evaluation.

HB 81: Notice of Special/Emergency Meetings (S.L. 2009-350) amends public notice requirements for official meetings of public bodies. Expands the method by which public notice can be given for an official meeting to include e-mail, for which no fee may be charged.

- If the posted notice will not be accessible for the 48 hours prior to the meeting, then it must be posted on the door of the building or on the building.
- For an emergency meeting, the public body may use e-mail to give notice. Previously “telephone, or by the same method used to notify the members of the public body” were the only available methods.
- If a public body has a Web site and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the Web site.
- If a public body has a Web site that one or more of its employees maintains, the public body shall post notice of any meeting except emergency meetings (including recessed meetings), prior to the scheduled time of that meeting.

Effective for open meetings noticed on or after October 1, 2009.

G.S. 143-318.12

HB 88: The Healthy Youth Act (S.L. 2009-213) revises the sex education curriculum in North Carolina and renames it to “Reproductive Health and Safety Education.” The revised curriculum retains “abstinence until marriage” instruction, but also requires new instruction on sexually transmitted diseases, FDA-approved contraceptive methods, and awareness of sexual assault, sexual abuse, and risk reduction. Each local board of education is required to adopt a policy and provide a mechanism that allows parents to opt their student out of the new portions of the curriculum. The requirement that the local board policy provide a mechanism for parents to opt in or opt out of any part of the curriculum remains in place. Instruction commences in seventh grade and shall utilize materials that are age appropriate for the students. Each local school administrative unit shall provide a comprehensive school health education program that meets all the requirements in this law and all the objectives established by the SBE. Local boards may expand on the subject areas to be included in the program and on the instructional objectives to be met.

G.S. 115C-81(e1)

HB 94: Clarify Definition of Retirement (S.L. 2009-11) amends the definition of retirement to clarify that unpaid service as a volunteer in a school administrative unit is not considered service for the purpose of the definition.

G.S. 135-1(20)

HB 96: Local Gov’t Surplus Property Donations (S.L. 2009-141) expands the authorization of cities, counties, and local boards of education to donate surplus, obsolete, or unused personal property to charter schools and makes other technical changes. While the bill does not specifically say schools, 115C-518 allows local boards of education to use this statute.

G.S. 160A-280

HB 102: Continuing Budget Authority (S.L. 2009-399) authorizes a continuation of the 2008-09 budget for a third time at a level not to exceed 84%.

Effective July 1, 2009, and terminated with passage of the budget bill, SB 202 (S.L. 2009-451).

HB 187: Encourage Policies to Facilitate Graduation (S.L. 2009-330)

Section 1. Amends current requirement that local boards of education work with business leaders to include local chambers of commerce and to encourage employers to adopt personnel policies that provide time for employees who are parents/guardians of students to attend parent-teacher conferences.

Section 2. Encourages local boards to:

- Adopt policies to implement programs that assist students with transitioning from middle to high school.
- Adopt policies to promote and support parental involvement in student learning and achievement at school and at home.
- Adopt policies and best practices to reduce suspension and expulsion rates and to provide alternative learning programs for suspended students.

Section 3. Adds “providing assistance and support” so that pregnant and parenting students do not drop out to the already-required local board policy that ensures pregnant or parenting students are not discriminated against or excluded from school or school programs.

G.S. 115C-47, 115C-375.5

HB 201: Add Division of LESS to CCPS (S.L. 2009-81) Currently, a person to whom a vehicle is transferred, whether by purchase or otherwise, must apply to the DMV for a new certificate of title. An application for a certificate of title must be submitted within 28 days after the vehicle is transferred.

A new provision provides that these requirements do not apply to a State agency that is assisting the U.S. Department of Defense in purchasing or transferring a vehicle to a unit of local government. Another new provision exempts such transfers from the NC highway use tax.

G.S. 20-73, 105-187.6

HB 209: Sex Offender Registry/Liberties w/ a Student (S.L. 2009-XXX) adds the crime of taking indecent liberties with a student to the list of “sexually violent offenses” that require registration under the Sex Offender and Public Protection Registration Program. Effective December 1, 2009 and applies to all persons convicted of such of offense on or after the date and all persons released from a penal institution on or after the date.

G.S. 14-208.6(5), 14-202.4(a)

HB 218: Parent & Student Educational Involvement Act (S.L. 2009-61) changes the requirements for the notice that must be given to a parent when a student is recommended for expulsion or suspension for more than ten days. The bill requires that notice must be provided in writing by the end of the workday during which the punishment is

recommended when reasonably possible, but in no event later than the end of the following workday. The bill further delineates what elements must be contained in the notice. The only requirement beyond what is already required by case law, is whether and to what extent local board policy allows an advocate to accompany the child to the hearing.

G.S.115C-391(d5)

HB 220: Write-In Candidate Rule (S.L. 2009-47) amends the pledge taken by primary candidates at the time of filing his/her candidacy. The pledge now states: “I pledge that if I am defeated in the primary, I will not run for the same office as a write-in candidate in the next general election.”

Effective January 1, 2010.

G.S. 163-106(a).

HB 223: No H.S. Graduation Project Required (S.L. 2009-60) prohibits SBE from requiring a student to prepare a high school graduation project as a condition of graduation prior to July 1, 2011. The law directs the Program Evaluation Division of the General Assembly to study the effectiveness of a statewide graduation project requirement.

G.S. 115C-81(b)

HB 274: Clarifying Changes to State Law (S.L. 2009-XXX)

Section 1 changes the notification of a criminal defendant and bond sureties that a bond forfeiture has been entered. New language in G.S. 15A-544.4(e) changes the timing of the notice from “notice shall be mailed not later than the thirtieth day after the date on which *the forfeiture is entered*” to “notice . . . shall be mailed not later than the 30<sup>th</sup> day after the date on which *the defendant fails to appear as required and a call and fail is ordered*.”

Section 3.2 modifies phrases in G.S. 20-218 pertaining to school buses, from “occupied by children” and “loaded with children” are changed to “occupied by one or more child passengers.”

HB 311: Continue School Construction Funding (S.L. 2009-395) removes statutory sunsets on the portion of the Article 40 and 42 local option sales taxes that are dedicated to public school construction.

Effective January 1, 2010.

G.S. 105-487, 105-502.

HB 316: Assignment of Multiples to Charter Schools (S.L. 2009-239) requires charter schools to admit all multiple birth siblings that have applied for admission if the surname of the multiple birth siblings is selected in a lottery pursuant to G.S. 115C-238.29F(g)(6).

G.S. 115C-238.29F(g)(5)

HB 391: Comm. College May Offer Safety Driving Course (S.L. 2009-119) authorizes community colleges to offer noncredit courses in safe driving to high school students on a self-supporting basis during the school year and summer.

G.S. 115D-20(4)

HB 440: Nicholas Adkins School Bus Safety Act (S.L. 2009-147) Currently, any person who willfully passes a stopped school bus and strikes a person commits a Class I felony. This new provision provides that if the same act results in the death of the victim, the perpetrator is guilty of a Class H felony. Authorizes the use of automated cameras and video recording systems in detecting and prosecuting violations of this law. The law takes effect on December 1, 2009 and applies to offenses occurring on and after that date.  
G.S. 20-217(g)

HB 482: Reinstatement of Sick Leave/School Employees (S.L. 2009-144) directs SBE to adopt rules reinstating unused sick leave when a 10-month employee at the time of separation returns to such employment. The maximum separation for which sick leave can be reinstated will be 63 months.  
G.S. 115C-336

HB 511: EMS/Fire Dept. Sales Tax Refund (S.L. 2009-233) allows volunteer fire departments and volunteer emergency medical squads to claim semiannual refunds of sales and use taxes on personal property and services.  
G.S. 105-164.14(b)

HB 582: Special Education Changes (S.L. 2009-331) requires educational services to certain students transferring into a NC school district while under a term of suspension or expulsion.

Section 1. State law allows a student who is not domiciled in a school district to attend those public schools if the student meets certain requirements, including proof that the student is not currently suspended or expelled. New language allows for the assignment of students who have been suspended or expelled who are also eligible for special education services under IDEA. Students who qualify under this new provision must still meet remaining criteria and must present evidence of current eligibility in the affidavit required under G.S. 115C-366(a3)(3).

Section 2. When a student who has been identified as eligible to receive special education and related services under IDEA is denied admission for having been suspended or expelled, or for having committed a felony, the local board shall provide educational services to the student to the same extent it would if the student were enrolled when suspended or expelled, as required by G.S. 115C-107.1(a)(3).  
G.S. 115C-366(a3), (a5)

HB 631: Wearing of Medals by Public Safety Personnel (S.L. 2009-240) allows uniformed public safety (law enforcement, firefighters, and EMS) officers to wear military service medals during the business week prior to, the day of, and the day after Veterans Day, Memorial Day, and the Fourth of July. The officer's employer retains the right to prohibit the wearing of medals if the employer determines that wearing the military service medals poses a safety hazard to the uniformed public safety officer or to the public.  
G.S. 165-44.01

HB 642: Retirement Technical Corrections (S.L. 2009-66) makes technical and other changes to the statutes governing the Teachers and State Employees' Retirement System (TSERS) and the Local Government Employees' Retirement System (LGERS).

Section 1 adds provisions to both the TSERS and LGERS statutes that allows a nonspouse beneficiary of a deceased member of the system to elect to directly roll over any portion of the beneficiary's distribution from the system.

Section 5 clarifies that when a TSERS or LGERS retiree dies without a designated beneficiary to receive a benefit under G.S. 135-5(g1) or 128-27(g1), any benefit that becomes available shall be paid to the member's estate.

Section 6 provides that for TSERS or LGERS participants whose employment is interrupted by military service and the participant does not immediately return to employment following that service, the "last day of actual service" shall be the date on which the participant was first eligible to be separated or released from his/her involuntary military service for purposes of the Death Benefit Plan.

HB 659: Study Existing Children/Youth Programs (S.L. 2009-126) directs the Program Evaluation Division of the General Assembly to study existing programs that directly or indirectly benefit children and youth in this State.

HB 661: City Managers on School Boards (S.L. 2009-321) allows city managers to serve on county boards of education that are elected on a nonpartisan basis if the population of the city by which the city manager is employed does not exceed 3,000.

G.S. 160A-147

HB 682: Adjust Conflict Threshold (S.L. 2009-226) increases the dollar amount in the public contracting statutes for small local governments, including some boards of education, which conduct business with one of its officials. The new provisions allow for contract amounts that do not exceed \$20,000 for medically related services (was \$12,000) and \$40,000 for other goods or services (was \$25,000) within a 12-month period.

G.S. 14-234(d1)

HB 735: Bldg. Code/High Schoolers at Comm. College (S.L. 2009-206) clarifies that existing community college facilities and designs for new facilities that comply with the North Carolina State Building Code and local ordinances may be used without modification for public school students in joint or cooperative programs such as middle or early college programs and dual enrollment programs.

G.S. 115D-41(b)

HB 804: Amend Law Re Personal Education Plans (S.L. 2009-XXX) requires LEAs, at the end of the first quarter or after at least nine weeks of instructional time, to develop or update a PEP for every student "at risk of academic failure who is not performing at least at grade level." Identification of "at risk of academic failure" is based on "grades, observations, State assessments, and other factors." The law also requires notice and a copy of the plan be given to the student's parent or guardian. The law forbids any cause of action for monetary damages from failing to provide or implement a PEP.

HB 908: Election Administration Amendments (S.L. 2009-XXX)

Section 15. Currently, public high schools must make registration forms available to students and others who are eligible to register to vote. New language requires public high schools to make the forms available to “students and others who are eligible to register and preregister.” This takes effect January 1, 2010.

Section 16. During the month known as Citizens Awareness Month, each county board of elections shall conduct voter registration and preregistration drives at public high school in accordance with local board of education policies, school system administrative procedures, and State Board of Elections guidelines. Effective January 1, 2010.

Section 23. Current law allows county boards of elections to provide sites in the county where absentee ballots may be applied for and cast, known as “one-stop sites.” A new provision provides the following:

- In providing the site or sites for one-stop absentee voting under this section, the county board of elections shall make a request to the State, county, city, **local school board**, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under this section. The request shall clearly identify the building, or any specific portion thereof, requested; the dates and times for which that building or specific portion thereof is requested; and the requirement of an area for election related activity.
  - If the [local school board] **does not respond** to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request.
  - If the [local school board] **responds negatively** to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under this section. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board of Elections.

Section 28. Amends the Basic Education Program, which already requires “instruction on the importance of voting” in the high school social studies curriculum, to include instruction on voter registration and preregistration. Effective January 1, 2010.

Section 29. Encourages local boards of education to adopt policies that promote student voter registration and preregistration. The policies may include collaboration with the county board of elections, but shall not require completion and submission of voter registration/preregistration forms as a course requirement or graded assignment. Effective January 1, 2010, and applies at the beginning of the 2010-11 school year.

G.S. 163-82.23, 163-82.25, 163-227.2(g)-(g1), 115C-81(g1)(1), 115C-47

HB 917: Implement Exec. Order #11/Protect Employees (S.L. 2009-26) followed the Governor's Executive Order that reduced pay and compensated state employees with flexible leave time. This law extended the Order to other state and local employees.

Section 8 clarifies that employees of local boards of education who are not paid out of state funds shall receive the same reduction in pay applicable to State-paid employees in the event of a reduction in compensation of State-paid employees that is enacted by the General Assembly or ordered by the Governor pursuant to the Governor's constitutional duty to balance the State budget.

The law expires January 1, 2010.

HB 945: Studies Act of 2009 (S.L. 2009-XXX)

Section 2 authorizes the Legislative Research Commission to study a wide range of topics, including after school child care and related programs, early childhood programs, innovations in education, STEM innovation and community collaboration, and a voluntary shared leave program for state and local government employees.

Section 5 authorizes the Joint Legislative Education Oversight Committee to study the following topics and report findings and recommendations for the 2010 Session: (1) consolidating the laws pertaining to high school programs offered in community colleges; (2) social workers in schools; (3) the impact of student mobility on academic performance; (4) alternative schools; (5) the ABC bonus program; and (6) state need-based financial aid.

Section 6 authorizes the Environmental Review Commission to study, among other topics, creating a green school construction loan fund that would provide no interest loans to LEAs for green construction projects.

Section 9 allows the Joint Legislative Elections Oversight Committee to study the issue of how vacancies in local offices should be filled.

Section 13 authorizes the Department of Health & Human Services to study the feasibility of establishing a school-based influenza vaccination pilot program.

Section 24 allows the UNC Board of Governors, in conjunction with DPI and NC Independent Colleges and Universities, to direct a study on raising the compulsory attendance age in public school.

Section 49 creates a Legislative Task Force on Childhood Obesity, composed of six members of the House of Representatives and six members of the Senate, which will study issues relating to childhood obesity.

HB 1031: Bldg. Stds./Pre-K Classes in Public Schools (S.L. 2009-123) allows a public school that voluntarily applies for a child care facility license to use an existing or newly constructed classroom in a public school for 3- and 4-year-old students without modifications to the classroom or building if the classroom:

- Has at least one toilet and one sink for hand washing;
- Meets kindergarten standards for overhead light fixtures;
- Meets kindergarten standards for floors, walls, and ceilings;
- Floors, walls, and ceilings are free from mold, mildew, and lead hazards.

A public school that voluntarily applies for a child care facility license shall meet all other requirements for child care facility licensure. Any rules adopted by the Child Care Commission for public schools must reflect this standard.

G.S. 115C-521.1, 110-90(11)

HB 1032: Modify History and Geography Curricula (S.L. 2009-236) changes the standard course of study and Basic Education Program to include one yearlong course in North Carolina history and geography in elementary school and one yearlong course of North Carolina history in middle school with U.S. history integrated into the course (was North Carolina history only). Each course may include up to two weeks (was four weeks) of instruction on the geographic area in which the students reside.

G.S. 115C-81(b1)

HB 1078: Report School Violence to Superintendent/Require Notif. Policy (S.L. 2009-410) requires the principal or a designee to notify the superintendent or a designee in writing or by e-mail after making any report to law enforcement involving one of the violent crimes listed in this subsection. Notification shall occur by the end of the workday in which the incident occurred when reasonably possible but not later than the end of the following workday. The superintendent shall provide the information to the school board. The local board must “adopt a policy on the notification to parents or legal guardians of any students alleged to be victims of any act that is required to be reported to law enforcement and the superintendent...”

G.S. 115C-288(g), 115C-47

HB 1111: Campaign Finance Amendments (S.L. 2009-XXX) makes various changes to campaign finance laws.

Section 5. Lowers the amount for which candidates for certain local offices, including school board candidates, are exempted from the reports of contributions, loans, and expenditures required by various other campaign laws if the candidate's campaign (1) receives no more than \$1,000 in contributions (was \$3000), (2) receives no more than \$1,000 in loans (was \$3000), and (3) spends no more than \$1,000 (was \$3000).

Effective December 1, 2009.

G.S. 163-278.10A

HB 1117: Sex Offender Can't Drive Bus With Children (S.L. 2009-XXX) prevents the DMV from issuing or renewing a commercial driver's license (CDL) or CDL learner's permit with a P or S endorsement to any person required to register under the Sex Offender Registration Program and disqualifies such a person from driving a commercial motor vehicle for the period of time that the person is required to maintain registration. The law also requires the DMV, beginning December 1, 2009, to revoke any CDL with a P or S endorsement of any person convicted of an offense that requires registration.

Finally, any person who drives a commercial passenger vehicle or a school bus and who does not have a valid CDL with a P or S endorsement because the person was convicted of an offense that requires registration as a sex offender is guilty of a Class F felony.

HB 1172: School Based Administrator Salary Schedule (S.L. 2009-450) corrects an inaccurate salary schedule for principals and assistant principals that appeared in Section 26.16(a) of SB 202, the budget bill.

HB 1221: Develop State Employee Benefit Statement (S.L. 2009-63) The Office of State Personnel, DPI, the Community Colleges, and UNC shall study developing an employee benefits statement that reflects the value of benefits to employees. The law defines “benefits statement” as a document showing an employee’s entire compensation, including cash income and the value of all employee benefits. The statement must include a determination of the value of employee and dependent coverage of the State Health Plan and employee and survivor coverage under the Retirement System.

HB 1261: Protect Our Kids/Cyber-Bullying Misdemeanor (S.L. 2009-XXX) makes cyber-bullying a criminal offense punishable as a misdemeanor. The law makes it unlawful for any person to use a computer or computer network in any of several enumerated ways (e.g., through e-mail, posting images, planting statements, accessing pornographic websites) where the intent is to intimidate/torment, stalk, or harass a minor. Effective December 1, 2009.  
G.S. 14-458.1

HB 1327: Schools Notified of Criminal Intelligence Info. (S.L. 2009-93) allows law enforcement to disseminate an assessment of criminal intelligence information to the principal of a school when necessary to avoid imminent danger to the life of a student or employee of the school or to public school property, pursuant to federal law (28 C.F.R. § 23.20). The federal regulation applies to all criminal intelligence systems that operate under the federal Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*

- “Criminal intelligence information,” as used in § 23.20, is defined as “data which has been evaluated that it (i) is relevant to the identification of and the criminal activity engaged in by an individual or organization which is reasonably suspected of involvement in criminal activity, and (ii) meets criminal intelligence system submission criteria.” 28 C.F.R. § 23.3.

Effective December 1, 2009.  
G.S. 14-50.27A

HB 1329: Consolidate Expunction Statutes (S.L. 2009-XXX) reorganizes current expunction statutes to G.S. 15A-145 through 145.3 for ease of use. Section 10 of the bill also adds misdemeanor larceny, as defined in G.S. 14-72(a), to the offenses that are eligible to be expunged. The conviction must have occurred at least 15 years earlier and the person cannot have a subsequent conviction, except minor traffic violations, for the preceding 10 years. The law takes effect on December 1, 2009, and applies to all petitions for expunction filed on or after that date.

HB 1433: Clarify Volunteer Immunity/AED (S.L. 2009-424) extends the immunity from liability to any person who receives no compensation for services as a health care provider and who uses an automated external defibrillator (AED) to render first aid or emergency health care treatment and meets the requirements of G.S. 90-21.14.

HB 1446: Amend Law re: School Improvement Plans (S.L. 2009-223)

Section 1. Local board policies on school improvement teams must ensure that each team's composition meet the membership requirements of 115C-105.27(a).

Section 2. Adds to the current requirements that school improvement plans must reflect the goals in the mission statement for public schools set by the SBE. School improvement plans must be redone at least every two years (previously three years). School improvement plans shall be data-driven to the greatest extent possible and shall contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting the measurement standards. School improvement teams shall use student data to identify root causes of problems and to determine actions to address those problems.

Section 3. Adds that if a school is continually low-performing, the school improvement plan must be reviewed and approved by SBE.  
G.S. 115C-47, 115C-105.27, 115C-105.37(A)(a)

HB 1452: Local Government Ethics Act (S.L. 2009-403) requires all cities, counties, boards of education, and other local governments to adopt a code of ethics for the governing board and to require members of those boards to receive education on ethics laws applicable to those members.

Section 1. Requires adoption of a resolution or policy containing a code of ethics to guide each board member's actions in the performance of official duties. The resolution or policy must contain, at a minimum, specific provisions enumerated in the law. The law also requires every member to receive two hours of ethics education within 12 months of initial election/appointment and again within twelve months of every subsequent election/appointment. The clerk of the local board must maintain a record verifying the receipt of ethics education by each member.

Section 2 explicitly requires each local board of education to adopt a resolution or policy containing a code of ethics.

Section 3 amends the current requirement that each school board member receive 12 hours of training annually to allow completion of the newly-required two hours of ethics education to count towards completion of the 12 hours.  
G.S. 160A-83, 160A-84, 115C-47, 115C-50

HB 1471: Counties & Schools Share P.E. Equipment (S.L. 2009-334) states that the SBE shall encourage local boards of education to enter agreements with local governments and other entities for the joint use of facilities for physical activity. Any agreement should delineate opportunities, guidelines, and the responsibilities of the parties.  
G.S. 115C-12

HB 1474: Credit Education Required for Students (S.L. 2009-XXX) amends the standard course of study and the Basic Education program to require students to receive personal financial literacy instruction that includes: (1) the true cost of credit; (2) choosing and managing a credit card; (3) borrowing money for an automobile or other large purpose; (4) home mortgages; (5) credit scoring and credit reports; and (6) other relevant financial literacy issues. The SBE will determine the best courses and grade levels for the new curriculum.

Effective when enacted and applies beginning with the 2011-12 school year.  
G.S. 115C-81(i)

HB 1504: Continuing Budget Authority (S.L. 2009-296) amends S.L. 2009-215 (see below) to continue the 2008-09 budget at a level not to exceed 84%. This second continuing resolution remains in effect through July 31, 2009.  
S.L. 2009-215

## **Senate Bills**

SB 198: State Board of Ed./Membership Restrictions (S.L. 2009-2) increases from one to two the number of State Board of Education members who may be public school employees paid by state or local funds. The law was passed to accommodate the Governor's appointment of Dr. Bill Harrison to Chairman and CEO of the State Board.  
G.S. 115C-10, 14-234

SB 220: General Statutes Clarifying Corrections (S.L. 2009-XXX) makes a series of purely technical corrections to the General Statutes. The following sections made corrections in Chapter 115C:

Section 8.(c)-(d) replaces the term "North Carolina Citizens for Business and Industry" in favor of "North Carolina Chamber" in G.S. 115C-102.15(b), which governs the membership of the Business and Education Technology Alliance.

Section 37 corrects a statutory reference in G.S. 115C -102.6B(b) pertaining to SBE's approval of a State school technology plan.

Section 38 corrects a statutory reference in G.S. 115C-324, which pertains to the disposition of payment due to employees at the time of death.

Section 39 recodifies the provisions of the new anti-bullying law (S.L. 2009-212) as Article 29C of Chapter 115C, at G.S. 115C-407.9 through 407.12.

Section 40 clarifies G.S. 115C-525 to provide that a principal who willfully fails to perform duties under G.S. 115C-288(d) (requiring principals to conduct fire drills and inspect for fire hazards), as opposed to all of the principal's listed duties in G.S. 115C-288, is guilty of a Class 3 misdemeanor and subject to a fine of not more than \$500.

SB 248: Conform County School Board Vacancy Statute (S.L. 2009-277) makes a technical correction to the statute for filling vacancies on school boards elected on a partisan basis by deleting references to 32 local boards of education which are now elected on a nonpartisan basis.  
G.S. 115C-37.1

SB 287: State Health Plan \$/Good Health Initiatives (S.L. 2009-16)

Section 1(a). Appropriates \$250 million from the Rainy Day Fund to cover a shortfall in funds to pay health care benefits, administrative costs, and to fund the Health Plan's cash balance on July 1, 2009.

Section 1(b)-(d). Appropriates funds to support increased employer contributions to continue non-contributory benefit coverage for eligible and retired employees enrolled

in the Plan for the 2009-11 biennium. The appropriations correspond to an annual 8.9% increase in non-contributory premium rates for FY 2009 and an additional 8.9% increase for FY 2010.

Section 2(a). Eliminates the PPO Plus benefit alternative for plan members.

Section 2(b). Implements a “Comprehensive Wellness Initiative” to focus on smoking cessation and weight management efforts.

Section 2(c)-(e). Authorizes benefit changes to include increased annual deductibles, annual co-insurance maximums, increased office visit co-pays, increased outpatient prescription drug co-pays, a new specialty drug co-pay, and utilization of a specialty drug vendor.

Section 2(g). Authorizes an 8.9% premium increase in FY 2009 and another 8.9% increase in FY 2010.

Section 2(h). Directs the plan to achieve a reduction of \$18 million in FY 2009 and \$20 million in FY 2010 in pharmacy provider costs through the Plan’s Pharmacy Benefit Manager.

Section 3. Clarifies eligibility criteria.

All sections are effective by July 1, 2009.

G.S. 135-45, 135-43(b)

SB 304: Energy Savings Contracts Cap/Program Admin (S.L. 2009-375) requires local governmental units, including school boards, that enter into guaranteed energy savings contracts to report the contract and its terms to both the Local Government Commission and the State Energy Office.

G.S. 143-64.17G

SB 311: Continuing Budget Authority (S.L. 2009-215) the “Continuing Resolution,” was passed to keep state government functioning as budget negotiations continued after July 1.

Section 1. Funds may be expended by State departments, institutions, and agencies at a level not to exceed 85% of the 2008 Continuation Budget. Vacant positions subject to reductions in the House or Senate budget bills shall not be filled after June 30, 2009.

Section 2. Salary schedules and specific salaries established for 2008-2009 for offices and positions shall remain in effect until the effective date of the 2009 budget. Public school employees paid on the teacher salary schedule or the school based administrator salary schedule and other employees shall not move up on salary schedules or receive automatic step increases, annual, performance, merit, or other increments until authorized by the General Assembly.

Section 3. The State's employer contribution rates budgeted for retirement and related benefits for the 2009-2010 fiscal year shall continue and are effective until the budget becomes law.

Section 6. Appropriates funds received under the American Recovery and Reinvestment Act of 2009 (ARRA) in the amounts provided in the notification of award from the federal government. State agencies cannot allocate any ARRA funds appropriated in this act (i) for a purpose not authorized by the General Assembly for the 2007-2009 fiscal biennium, or (ii) to expand the scope of a purpose or program so

authorized, unless the federal government has issued rules or formal guidance stipulating that a state's lack of allocation or obligation would jeopardize the receipt of ARRA funds.

Section 10. Except as otherwise provided within the act, the act is effective July 1, 2009, and expires on July 15, 2009, at 11:59 p.m.

S.L. 2008-107 (2008 Budget Bill)

SB 526: School Violence Prevention Act (S.L. 2009-212) creates a new Article in Chapter 115C pertaining specifically to bullying in schools. There are four parts:

**Part 1** defines “bullying or harassing behavior” and states that bullying “includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.” Part 1 also:

- states that no student or school employee shall be subjected to bullying or harassing behavior;
- prohibits any act of reprisal or retaliation against a person who has information about an act of bullying;
- requires school employees to report bullying incidents if they witness or have reliable information about bullying;
- states that a student or volunteer should report bullying incidents if they witness or have reliable information about bullying.

**Part 2** requires each school administrative unit to adopt a policy before Dec. 31, 2009 that prohibits “bullying or harassing behavior.”

- The policy must contain, at a minimum, the eight enumerated components listed in the statute. Most of these are already required or currently exist in most anti-bullying policies. The following would need to be added to NCSBA Model Policy 1710/4021/7230, “Prohibition Against Discrimination, Harassment, and Bullying”:
  - A definition of “bullying or harassing behavior” *no less inclusive than defined in the new law.*
  - Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.
  - A reporting procedure *that includes a provision that permits anonymous reporting.* (This shall not be construed to permit disciplinary action solely on the basis of an anonymous report).
  - A statement of how the policy *is to be disseminated and publicized,* including notice that the policy applies to participation in school-sponsored functions.
- Notice of the policy shall appear in any publication containing rules, procedures, and standards of conduct for schools within the school unit and in any student or employee handbook.
- Information on the policy must be included in any school employee training program.

- To the extent funds are appropriated for these purposes, school administrative units shall provide training on the policy.

**Part 3** requires schools “to develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.”

**Part 4** states that the Article shall not be construed to permit school officials to punish student expression or speech; states that the Article shall not prohibit a bullying victim from seeking redress under any other law, civil or criminal; states that the Article shall not be construed to require exhaustion of the complaint process before civil or criminal law remedies can be pursued; requires the provisions of the Article be liberally construed; states that nothing in the act shall be construed to create any classification, protected class, suspect category, or preference beyond those already existing in law. G.S. 115C-407.9 to 407.12 (per Section 39, SB 220)

SB 689: Modify DPI Reporting Requirements/Bldg Code/High School (S.L. 2009-305) repeals three provisions from three previous budget bills. They are Mentor Teacher Funds May Be Used for Full Time Mentors, High School Workforce Development Program and Evaluation of Initiative to Assist High Priority Schools.

Section 1. Requires SBE to report to the Joint Legislative Education Oversight Committee (JLEOC) by January 15 of each year on the use of funds allocated to LEAs for mentoring services. The law currently requires these funds to be used to provide mentoring support to eligible employees.

Section 3. Requires the SBE and other governing Boards to evaluate the success of cooperative innovative programs in high schools, colleges, or universities and report to the JLEOC by January 15 (was October 15) of each year.

Section 4. The SBE’s annual reports on (1) acts of violence in public schools and (2) dropout rates, suspensions, expulsions, and alternative placement are now to be submitted to the JLEOC by March 15.

Section 5. Existing facilities and designs for new facilities of any constituent institution of UNC and the existing facilities of any private college or university licensed in accordance with G.S. 116-15 that comply with the State Building Code and applicable local ordinances for those facilities may be used without modification for public school students in joint or cooperative programs such as middle or early college programs and dual enrollment programs.

S.L. 2008-107(7.8), G.S. 115C-238.55, 115C-12, 116-43.15

SB 708: Amend Compulsory School Attendance Law (S.L. 2009-404) modernizes the language in 115C-378. Adds principal’s designee where before only the principal was given authority. Provides that a showing of 10 accumulated absences and parental notification of such absences constitutes prima facie evidence (was prima facie case) of parental responsibility.

SB 738: Diabetes Control Plans in Charter Schools (S.L. 2009-XXX) requires each local board of education and charter school board of directors to report annually to the SBE, on or before August 15, on whether the board has students with diabetes enrolled in school and whether the board has complied with the guidelines adopted by SBE under 115C-

12(31). The report shall be in compliance with the federal Family Educational Rights and Privacy Act (FERPA).

G.S. 115C-375.3

SB 754: Changes for Bonds Authorized Under ARRTA (S.L. 2009-140) allows the state to take advantage of the expansion of existing bond programs and the creation of new bond programs under the American Recovery and Reinvestment Tax Act of 2009.

Section 1. Designates the SBE as the agency responsible for administering the statewide allocation of authority to issue qualified school construction bonds. Local school districts receiving a local allocation are directed to coordinate the use of such allocation with SBE so any local allocation unused by the local school district becomes eligible for use as part of the statewide allocation.

G.S. 115C-489.5, 115C-489.6, 143-433.6, 143-433.8, 143-433.9(a), 159-123(b), 159C-3, 159D-3, 159D-45

SB 859: Tort Claims Act/Local Gov. Opt-in (S.L. 2009-XXX) authorizes cities with a population of 500,000 or more (only applies to Charlotte) to be subject to the State Tort Claims Act, with some modifications.

Qualifying municipalities may waive its immunity from civil liability for both governmental and proprietary functions by adopting a resolution that expresses the city's intent to waive sovereign immunity. Such a resolution shall apply to all claims arising on or after passage of the resolution, until the resolution is repealed.

Additional provisions establish appropriate legal procedures for handling claims that arise from such a waiver of immunity, make the city solely responsible for legal representation and any amount for which the city is found to be liable, and allow the city to purchase liability insurance or establish its own self-funded reserve.

Effective October 1, 2009.

G.S. 160A-485.5

SB 894: UI/School Teacher Related Amendments (S.L. 2009-XXX) clarifies employment security laws by providing a definition of "substitute teacher" and by providing for other school-related positions with "extra duties." The bill also clarifies that teachers who fail to obtain a license, certificate, and permit and who are thereby disqualified from their positions do not qualify for unemployment benefits.

G.S. 96-8(6)k, 96-8(10)e, 96-14(2b)

SB 929: No Set Aside of Bond Forfeit/Actual Notice (S.L. 2009-437) gives the D.A. and local boards of education another ten days (for a total of 20) to file a written objection to a motion to set aside a bond forfeiture. The bill provides sanctions that can be imposed against the surety if the court determines that the motion to set aside was left intentionally unsigned or documentation provided to the court was fraudulent. Finally, no forfeiture of a bond may be set aside for any reason where the surety or bail agent had actual notice before executing a bail bond that the defendant had failed to appear on two or more prior occasions in the case for which the bond was executed.

G.S. 15A-544.5

SB 960: Ensure Accountability Re: Stimulus Funds (S.L. 2009-XXX) seeks to expedite use and expenditure of federal funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA).

Section 3 establishes a procedure normally reserved for emergency rulemaking authorized under G.S. 150B-21.1A that allows a state agency to adopt rules when necessary to expedite the use of ARRA funds through the procedure.

Section 8 prohibits any party from recovering attorneys' fees in any civil action relating to: (i) implementation of the ARRA; (ii) the award of ARRA contracts or grants by the State and its departments, institutions, offices, agencies, universities, community colleges, counties, municipalities, and **LEAs**; (iii) a vendor's default under an ARRA contract; and/or (iv) a vendor's debarment resulting from a default of an ARRA contract.

Effective February 17, 2008, until June 30, 2012.

G.S. 150B-21.1B, 6-19.1

SB 962: Probationary Teachers Appeals (S.L. 2009-326)

- A superintendent who intends to recommend nonrenewal of a probationary teacher must give notice to the teacher by May 15 and inform the teacher of the right, within 10 days of receipt of the notice, to request the reasons for the superintendent's recommendation. If the teacher is eligible for career status, the notice must also inform the teacher of the right to request and receive a hearing.
- When a teacher is recommended for nonrenewal, eligible for career status, and makes a timely request:
  - The superintendent shall provide the requested reasons/information and arrange a hearing.
  - The teacher is allowed to submit supplemental materials prior to the hearing and decision.
  - The board shall adopt a policy for the orderly exchange of information prior to the board's decision.
  - No hearing required if the superintendent recommends not granting career status based on a justifiable board- or superintendent-approved decrease in positions due to district reorganization, decreased enrollment, or decreased funding.
- A teacher who is not in the final year of a probationary contract may petition the school board for a hearing, which the board may grant. The board shall notify the teacher of its decision on whether to grant a hearing.
- The board shall notify a probationary teacher whose contract will not be renewed by June 15. If a teacher requests information or a hearing, the board has until July 1 or later with the written consent of the superintendent and teacher.

G.S. 115C-325

SB 1019: Establish NC Financial Literacy Council (S.L. 2009-265) creates a Financial Literacy Council within the Department of Justice that will assist DPI with delivering financial education in the public schools, identify programs that will increase financial literacy for all citizens, and expand access to financial literacy resources in communities. The Council will be composed of 18 members appointed by the Governor.

G.S. 114-50-55

[SB 1028: Volunteers to Support Academic Success in School \(S.L. 2009-453\)](#) requires each LEA to (1) develop policies and programs designed to encourage the use of community based academic booster organizations, to provide tutoring and other appropriate services to encourage and support student academic achievement, (2) develop policies and/or procedures for approving the use of volunteer organizations and individual volunteers, and (3) develop policies and/or procedures to make information available to parents and students about any tutoring and other academic support services that are available to students in the community.

G.S. 115C-207

[SB 1030: After-School Child Care Programs \(S.L. 2009-244\)](#) instructs the Division of Child Development (DCD) in the Department of Health and Human Services to establish a policy that defines any building which is currently approved for school occupancy and which houses an elementary school to include playgrounds and athletic fields as part of the school building when that building is used to serve school-age children in after-school programs. Playgrounds and athletic fields that do not meet licensure standards will be noted in the program's licensure and rating information. DCD shall also approve and establish education criteria for after-school program coordinators and group leaders.

[SB 1069: Joining Our Businesses and Schools Commission \(S.L. 2009-339\)](#) establishes the Joint Legislative Joining Our Businesses and Schools (JOBS) Commission "to study issues related to economic development through innovative schools." The Commission will advise the Education Cabinet and DPI and will study issues related to economic growth by the creation of measures and metrics which define readiness of a community to deliver services that equip the workforce to be competitive in a STEM-intensive economy.

## **Local Legislation**

### **House Bills**

[HB 52: Haywood School Board Filing Date \(S.L. 2009-29\)](#) requires all candidates for the Haywood Co. school board to file a notice of candidacy no earlier than the first Monday in July (except the next business day if the first Monday in July is July 4), and no later than 12:00 noon on the third Friday in July (was August) preceding the general election.

[HB 63: Modify Onslow County Sales Tax Distribution \(S.L. 2009-18\)](#) allows the board of county commissioners in Onslow County to consider a new option for distributing sales tax between cities and counties. In addition to per capita and ad valorem methods of distribution, the board may choose a "combined method," in which the net proceeds of the tax collected shall be distributed by using both the per capita and the ad valorem methods with neither method being used to distribute less than forty percent (40%) of the net proceeds of the tax.

[HB 206: Affordable Housing for Local Employees \(S.L. 2009-154\)](#) authorizes the City of Brevard, the City of Rosman, Transylvania County, and the Transylvania County Board of Education to construct and provide affordable housing for city and county employees and for local public school teachers. A unit of local government that has implemented this authority must report annually to the Local Government Commission and to the Revenue Laws Study Committee of the General Assembly on the number of housing unit sales and on the median income of the purchasers of the housing units.

[HB 254: Beaufort School Board Vacancies \(S.L. 2009-30\)](#) requires that any person appointed to the Beaufort school board be and remain a resident of the district for which he/she is appointed. Appointments to fill vacancies on the Permanent Board shall be filled in accordance with G.S. 115C-37(f).

[HB 385: Pub Sch Activity Bus Use/Stecoah Valley Ctr \(S.L. 2009-324\)](#) authorizes the Graham County BOE to enter into a contract that permits public school activity buses to be used by the Stecoah Valley Center for periodic after-school field trips and prohibits the use of state funds for activities under this act.

[HB 538: Char/Meck School Board Police \(S.L. 2009-73\)](#) allows the Charlotte-Mecklenburg school system to establish a campus law enforcement agency and employ campus police officers. These officers shall meet the requirements of Chapter 17C of the General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the Constitution, and shall have all the powers of law enforcement officers generally. The territorial jurisdiction of a campus police officer shall include all property owned or leased to the local board of education employing the officer and that portion of any public road or highway passing through the property or immediately adjoining it, wherever located.  
G.S. 115C-47.1

[HB 833: Winston-Salem/Forsyth Board of Education \(S.L. 2009-72\)](#) changes the election of the Winston-Salem/Forsyth County Board of Education from partisan to nonpartisan. Elections shall be held during the general election in the even-numbered years. Primaries shall be held on the same date as the county partisan primaries. In 2010, all nine members shall be elected to the Winston-Salem/Forsyth County Board of Education for either two or four year terms, to provide for the staggering of terms. All elections held after 2010 shall be for four-year terms.

### **Senate Bills**

[SB 68: ABC Stores/Schools/Guilford \(S.L. 2009-295\)](#) allows the state Alcoholic Beverages Commission, when approving the location of an ABC store, to consider whether the proposed store is within 1000 feet of any church, public school, or nonpublic school.

This law takes effect December 1, 2009, and applies only to permits issued in Guilford County on or after that date.

SB 346: Kannapolis Deannexation/Expedite Schools (S.L. 2009-430)

Section 2 allows the Cabarrus County Board of Commissioners and Board of Education jointly to select and negotiate with a contractor to build school facilities using the repetitive design approach without being subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32. The law requires both boards to determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule. Additional provisions govern the disbursement of funds. This section expires June 30, 2014.

Section 3 aligns the filing period for election to the Cabarrus County Board of Education to be the same as for county commissioners under G.S. 163-106.

SB 498: Affordable Housing for Teachers/Edgecombe Co. (S.L. 2009-161) authorizes the Edgecombe County Board of Education to use its local funds to contract with any person, firm, partnership, corporation, association, foundation, or other business entity to construct, provide, or maintain affordable rental housing. In renting, the Board must give first priority to Edgecombe County public school teachers and then to other Edgecombe County public school professional staff or other Board employees, but shall also use its discretion to achieve sufficient occupancy. The law provides authority to the Board to establish reasonable rents for housing, and to charge below-market rates.