

HOUSE BILLS

SESSION LAW 2004-203

H 281. 2003 Technical Corrections Act

Section 19 - Amends G.S. 14-202.4, enacted in 1999, which made it unlawful for school personnel to take indecent liberties with a student. The change clarifies that the statute also applies to situations where the student is present for a school-related or school-sponsored activity at another school and the school personnel is employed, volunteers or is present at that other school. This section becomes effective December 1, 2004 and applies to offenses committed on or after that date.

Section 44 - Deletes a paragraph that unnecessarily appears twice in G.S. 115C-84.2.

Section 45 - Amends G.S. 115C-238.29D(d) by extending the terms of charters, and their renewals, from a maximum of 5 years to a maximum of 10 years. At least once every 5 years, the SBE shall review each charter school's operations to ensure that the school is meeting the expected academic, financial, and governance standards. (Note: Language very similar to this also appeared in SB 35 which passed in 2003, so this change was already in effect and reflected in SBE policy before HB 281 passed this year.) This section also amends G.S. 115C-238.29F(e)(1) by requiring all charter school teachers in grades 6-12 to be college graduates if they teach in the core subject areas of math, science, social studies, and language arts. This section applies to persons employed by charter schools for 2004-2005 and subsequent school years.

Section 63 - Revises a special provision in the 2002 budget bill that governs how the local government in Scotland County is to appropriate funds for public schools each year. The changes clarify how the minimum appropriation is to be calculated.

Section 72 - Amends G.S. 115C-264 to correct an internal reference to G.S. 143-129, the formal bidding requirement that no longer applies. Instead G.S. 115C-522(a) incorporates the rest of Article 8 of Chapter 143, which does apply. Section 12 of S.L. 2003-147 is also amended by correcting internal references to bill sections in the effective date provision.

SESSION LAW 2004-78

H 354. Amend Disability Laws

Amends the state disability income plan by repealing changes made in the 2003 Appropriations Act to the definition of disability. The statute removes the requirement that the disabled person be unable to perform the duties of other available jobs for which the participant is qualified. The effective date for the new long-term disability definition is delayed until August 1, 2005. This statute also expands the membership of the Study Commission created in 2003 from 7 to 13. The Study Commission is directed to report to the General Assembly no later than January 1, 2005.

SESSION LAW 2004-88

H 1352. Emergency Funding for One NC/NEIT

Provides emergency funding for the One North Carolina Fund and the New and Expanding Industry Training Program. Also provides an appropriation from the General Fund to the Teachers' and State Employees' Retirement System Fund the sum of twenty million dollars (\$20,000,000) for the 2003-2004 fiscal year to partially pay back the debt owed to the Fund.

SESSION LAW 2004-186

H. 1354. Strengthen Domestic Violence Laws

The Department of Public Instruction, in collaboration with the State Board of Education, is directed to study school participation in antiviolence programs as part of an overall effort to strengthen domestic violence laws. The Department must examine several questions concerning school antiviolence programs such as (1) how are schools currently addressing violence in their curriculum; (2) should the state require every public school to have an antiviolence program; (3) should the State implement a particular antiviolence curriculum or allow individual schools to choose an appropriate curriculum from an approved list; and (4) what is the fiscal impact of implementing an antiviolence program for all schools, including possible additional staffing needs. The Department is instructed to examine other programs used throughout the country, giving particular attention to the "Second Step" program developed by the Committee for Children. Also, the Department is charged with studying school personnel training dealing with students who are victims of physical violence and mental or verbal abuse, particularly instances of domestic and relationship violence. Questions to be examined include what type of training is already in place, should training be required and which personnel should receive it, what type of training is needed, and the fiscal impact of requiring such training. The Department must make a preliminary report to the House Select Committee on Domestic Violence and to the Joint Legislative Education Oversight Committee by November 15, 2004. The final report is due by January 15, 2004 to the Joint Legislative Education Oversight Committee and the General Assembly.

SESSION LAW 2004-198

H 1453. Discharging Firearm on School Property

Recommended by the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee. This law amends G.S. 14-269.2(b) to make any person who discharges a firearm on educational property or at a school-sponsored curricular or extracurricular activity guilty of a Class F felony. A person will not be found guilty of possession or carrying of a firearm (which is a Class I felony) if he or she takes or receives it from another person, finds the firearm, or delivers it as soon as practical to law enforcement authorities. The law adds that hunting purposes will be exempt on educational property when used with the written permission of the governing body of the school that controls the property. Effective December 1, 2004 and applies to offenses committed on or after that date.

SESSION LAW 2004-76

H 1455. SBE Study ALP Funding

Directs the State Board of Education to develop and recommend a formula for allotting funds to alternative learning programs and schools based on the number of students (1) suspended for more than 10 days or expelled and (2) assigned to an alternative learning program or school. As

a basis for this formula, the Board shall take into consideration the existing funding formulas used for children with disabilities, academically or intellectually gifted children, and students with limited English proficiency. The recommendation is due to the Joint Legislative Education Oversight Committee by December 15, 2004. Effective when it becomes law.

SESSION LAW 2004-73

H 1456. SBE Study Use of At-Risk Funds

Implements a recommendation of the House Interim Committee on Providing an Appropriate Education for Students on Long-Term Suspension. It directs the State Board of Education to determine a specified percentage of at-risk funds for services to students who are suspended from school for more than 10 days and to designate a specified percentage from the Alternative Schools/At Risk Student allotment for these students. The State Board is to report its recommendation to the Joint Legislative Education Oversight Committee by December 15, 2004. Effective when it becomes law.

SESSION LAW 2004-16

H 1459. SBE/Teacher Preparation Courses

Directs the State Board of Education to determine whether teacher preparation programs should require courses in diversity training, anger management, conflict resolution, and classroom management. This law implements a recommendation of the House Interim Committee on Providing an Appropriate Education for Students on Long-Term Suspension. The Board is directed to report its findings to the Joint Legislative Education Oversight Committee by December 15, 2004.

SESSION LAW 2004-180

H 1464. School Calendar Changes

Amends G.S. 115C-84.2 to direct each local board to adopt a school calendar of 215 days, beginning with the 2005-2006 school year. This reduces the total number of teacher workdays to fifteen (15), and provides that five (5) workdays be protected solely for instructional and classroom administrative duties. One of these five workdays will be scheduled at the beginning of the year and one at the end of each academic quarter. Each school's principal will consult with the local board regarding the use of remaining teacher workdays. The local board may designate any of these remaining 9 or 10 workdays as make up days for school closing because of inclement weather.

At least seven of the remaining 9 or 10 workdays must be scheduled as days on which teachers may take accumulated vacation leave. Any remaining days can be designated by the local board for accumulated vacation leave as well.

The bill provides that schools shall not open for students before August 25 or close after June 10 except for year-round schools. The State Board can waive this requirement for good cause to accommodate anticipated makeup days due to school closings. "Good cause" means that a local school administrative unit's schools are closed an average of eight (8) days per year during any of four (4) of the last 10 years because of severe weather, energy shortages, power failures, or other emergencies. The State Board may also waive this requirement for "educational purposes." These purposes include the need to adopt a different calendar for (1) a specific

school to accommodate a special program offered generally to the student body of that school, (2) a school that primarily serves a special population of students, and (3) a defined program within a school. The State Board may grant the waiver for that specific school or defined program to the extent that the Board finds the purpose to be reasonable, necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the established opening and closing dates. The required opening and closing dates will not apply to any school that a local board designates as having a modified calendar for the 2003-2004 school year or was part of a modified calendar planned program for 2003-2004, so long as the school follows the modified calendar.

H 1464 further amends G.S. 115C-302.1(b) so that the initial pay date for teachers will be no later than August 31 and will include a full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment. This section does not apply to teachers employed in a year-round school or paid in accordance with a year-round calendar, or both. The daily rate of pay for teachers will equal midway between one twenty-first and one twenty-second of the monthly rate. The annual rate of pay, beginning with the 2005-2006 school year for certified and noncertified employees employed on or after the effective date will not change, nor will this law change the pay cycle for noncertified employees. The State Board is directed to report annually to the Joint Legislative Education Oversight Committee on local compliance with this directive.

Further, the State Board will study the scheduling and purpose of noninstructional teacher workdays. Members of local school boards, school administrators, teachers, and parents must be involved in this study. The report of findings is due by December 15, 2004 to the Joint Legislative Education Oversight Committee.

This legislation is effective July 1, 2004 and becomes applicable beginning with the 2005-2006 school year. It applies in all 100 counties and local school administrative units.

SESSION LAW 2004-81

H 1478. Retirement/Teacher Exchange Programs

Makes a technical correction to the law clarifying the status of teachers participating in foreign exchange programs for purposes of retirement and tenure by adding U.S. Department of Homeland Security regulations. These changes amend G.S. 135-1(25) and G.S. 115C-325(a)(4b). The statute clarifies that nonimmigrant alien teachers employed in elementary or secondary public schools who participate in an exchange visitor program designated by the US Department of State or the US Department of Homeland Security are excluded from membership in the retirement system. The law also clarifies the definition of "exchange teacher." Effective July 1, 2004.

SESSION LAW 2004-41

H 1484. Cleveland County Board of Education Elections

Due to the postponement of the merger between Cleveland County, Kings Mountain, and Shelby City Schools from July 1, 2000, to January 13, 2004, the State Board of Elections recommended rescheduling elections that were originally supposed to take place in 2001 and 2003. Three members of the nine-member Board are to be elected in November 2005 to replace the three

members originally appointed at large without regard to membership on the previous boards. Six members will be elected in November 2007 to replace the remaining appointed members. Members will be elected every four years. Effective when it becomes law.

SESSION LAW 2004-136

H 1513. Increase Local Government Death Benefit

Increases the maximum death benefit payable from the Local Governmental Employees' Retirement System to equal the annual salary of the member but not less than \$25,000 nor more than \$50,000. Current maximum is \$20,000. The bill becomes effective July 1, 2004 and applies to persons dying on or after that date.

SESSION LAW 2004-68

H 1529. Moore School Buses/2005 US Open

Allows the Moore County Board of Education to enter into a contract that permits public school activity buses be used for the U.S. Open Golf Tournament from June 12, 2005 through June 20, 2005. State funds will not be used to operate these buses and neither the State nor Moore County will be liable for any damages resulting from the use of these buses. Effective when it becomes law.

SESSION LAW 2004-147

H 1624. Increase Retirees' Contributory Death Benefit

Increases the Contributory Death Benefit for retired members of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Legislative Retirement System and the Consolidated Judicial Retirement System from \$6,000 to \$9,000. This act becomes effective July 1, 2004, and applies to persons dying on or after that date.

SESSION LAW 2004-16

H 1640. Dare Affordable Housing for Teachers

Allows the Dare County Board of Education to enter into a lease, partnership, joint venture, or similar arrangement with local land developers and other governmental and nonprofit entities to provide affordable housing on land owned or leased by the Board with priority given to teachers. The law authorizes up to three projects to be constructed in the following areas: the beach area of Dare County north of Oregon Inlet, one on Hatteras Island, and one on the Roanoke Island/mainland of Dare County. Effective when it becomes law.

SESSION LAW 2004-69

H 1669. Clinton City Schools Property Transfer

Authorizes the Clinton City Board of Education to convey a .81 acre lot and one-story brick and block building by private sale to the Sampson High School Alumni Association, Inc. Effective July 8, 2004.

SESSION LAW 2004-164

H 1723. Charter School Retirement Election

Authorizes existing charter schools to elect to participate in the Teachers' and State Employees' Retirement System and the N.C. Teachers' and State Employees' Major Medical Plan. These

charter schools include New Century High School in Saxapahaw; Lake Norman Charter School in Huntersville; Exploris Middle School in Raleigh; Magellan Charter School in Raleigh; American Renaissance Charter School in Statesville; and Healthy Start Academy in Durham. The boards of directors can become participating employers in these systems within 30 days of effective date of the bill.