

SENATE BILLS

SESSION LAW 2004-158

S 64. 2004 Appointments Bill

Lists appointments of various people to public office upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Appointments of interest to public schools include:

- Margaret Ann Biddle of Wake County and Beth Rector of Columbus County appointed to the North Carolina Child Care Commission for terms expiring on June 30, 2006.
- Jon Hamm of Wake County appointed to the e-NC Authority for a term expiring on December 31, 2004 and Herbert J. Crenshaw of Wake County for a term expiring on December 31, 2005.
- Janet Smith of Forsyth County is appointed to the Information Resource Management Commission for a term expiring on June 30, 2007.
- Bernard Sullivan of Gaston County and Porter McAteer of Gaston County appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring on June 30, 2005.
- Tannis F. Nelson of New Hanover County appointed to the Board of Directors of the North Carolina Partnership for Children, Inc., for a term expiring on December 31, 2004, to fill the unexpired term of Susan Eaves.
- Cecilie Lewis of Wake County appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2007.
- Richard Burton of Durham County appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term expiring on June 30, 2005.
- David Smith of Durham County appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term expiring on June 30, 2007 and Spencer Thompson of Mecklenburg County appointed to a term expiring on June 30, 2007, to fill the unexpired term of Carol Hughes.
- Kirk Alan Preiss of Wake County appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2005.
- Dr. Joseph Jenkins of Cumberland County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2005; Glenn Marek of Orange County, Linda Rouse Sutton of Lenoir County, and William W. Hill of Nash County appointed for terms expiring on June 30, 2006.
- John H. Cilley, IV of Catawba County appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2005.
- Colleen Lanier of Forsyth County appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2007; Franz Holscher of Gaston County and Vernon Thompson of Davie County appointed for terms expiring on June 30, 2008.
- Lynn Agee of Moore County and Lynn Marshbanks of Wake County appointed to the Child Care Commission for terms expiring on June 30, 2006.

SESSION LAW 2004-118

S 444. School Information/Meningitis and Flu (“Garrett’s Law”)

Directs local boards of education to ensure that schools provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information must include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians can obtain additional information and vaccinations for their children. The Department of Public Instruction is responsible for insuring that charter schools provide this information as well. The Division of Nonpublic Education, Department of Administration, shall ensure that the materials are provided to private schools, including home schools. Effective July 1, 2004, and applies beginning with the 2004-2005 school year.

SESSION LAW 2004-196

S 1008. Non-State Entities Reporting Requirements

Adopts rules for the Office of State Budget and Management to ensure the uniform administration of State grants by all grantor State agencies and non-State entity grantees. These rules establish policies and procedures for disbursements of grants and for State agency oversight, monitoring, and evaluation of non-State grantees. These rules are effective when they become law. The rest of the act is effective July 1, 2005 and applies to appropriations and grants made on or after that date.

SESSION LAW 2004-130

S 1058. UNC & Community Colleges Tuition/Military Students

Amends G.S. 116-143.3 to provide that a member of the military or their dependent relative who attends a constituent university or a community college in North Carolina shall be charged only the in-state tuition rate. This applies to members of the armed services abiding in North Carolina incident to active military duty in North Carolina. In the event that the active duty member is reassigned out of state, the member or relative will continue to be eligible for the in-state tuition rate and applicable mandatory fees, so long as he or she is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is reassigned. Any member of a North Carolina National Guard unit who is a nonresident is eligible to be charged the in-state tuition rate and will pay the full amount of this rate and applicable mandatory fees. This provision applies to members in a reserve or active duty status and those who are called into active duty at the direction of the President, Governor, or by any other competent authority.

SESSION LAW 2004-200

S 1118. Special License Plates

Amends G.S. 20-79.4(b) to allow public high school insignias on license plates. These plates are issuable to registered owners of motor vehicles in accordance with G.S. 20-81.12. The additional fee amount is \$25.00. In order to issue a high school insignia plate, the Division must receive 300 or more applications. Money derived from the plates will be transferred quarterly to the Department of Public Instruction to be deposited in the State Aid to Local School Administrative Units account. The Department will receive information from the Division as to the number of plates sold representing a particular high school. The Department will then annually transfer the money from the State Aid to LEA account to the high schools that have an insignia plate in proportion to the number of high schools that have the plates. The money must be used for academic enhancement. Effective when it becomes law.

SESSION LAW 2004-27

S 1122. Chapel Hill School Sites

Extends the amount of time the board of education has in which to act to acquire land reserved for school sites from 12 to 18 months. The board's authority is activated when a special use permit or site plan development affecting the reserved land is submitted for approval to the town of Chapel Hill. If the board does not act within 18 months, the land is freed of the reservation.

SESSION LAW 2004-161

S 1152. Studies Act of 2004

(Only studies affecting public schools or public school employees are listed below).

Part II. Legislative Research Commission. Report is due to the 2005 General Assembly

The Commission may study:

- Purchasing alternative-fuel or low-emission school buses (SJR 768, Bingham)
- State Employee Pay equity (SB 747, Lucas; HB 544, Alexander, Clary, Weiss, Insko)
- Job Sharing (HJR 958, Glazier)
- Reemployment of retirees (SB 10, Garwood; HB 219, Glazier; Rapp, Goodwin, McLawhorn)
- Postretirement Earnings (SB 1313, Dorsett; HB 1658, Jeffus; HB 1505, Rapp, Bell, McLawhorn)
- Size/Scope of Boards and Commissions (Section 2.1.(a), SJR 924, Rand; HJR 1067, Dockham, Owens)
- VoCATS - "Whether the State-developed tests are the appropriate means to measure student mastery of the knowledge and skills taught in vocational education courses, with specific focus on the agriculture curriculum."
- Availability and Delivery of Government Services to Hispanics (Barnhart, McComas, Reeves, Malone). The Commission "shall focus particularly on services in the areas of education, health, and public safety."
- School Calendar/Later First Instructional Workday/Workdays. Lists 11 items the Commission "shall consider," and says the Commission "may also study the value of teacher workdays now included in the school calendar and whether North Carolina students could benefit by converting a number of those workdays to additional days of instruction."

Part XI. Local School Construction Financing Study Commission (SB 1372-Clodfelter; HB 1778-Yongue).

- Establishes the Local School Construction Financing Study Commission composed of 19 members and directs the Commission to "examine the present system of local financing for school facilities and ... study alternative options for financing local school construction, renovation, repair, and maintenance. The Commission may study and consider public-private partnerships for school construction and facility ownership, sale leaseback arrangements, private and commercial financing arrangements, design standards for school facilities that may facilitate alternative financing techniques, alternative local revenue sources for financing school facilities, the use of real estate

investment trusts, State and local construction bond pools, and any other financing issues deemed pertinent by the Commission.”

- An interim report is required by January 31, 2005, and a final report by March 31, 2006.

Part XIII. Joint Legislative Education Oversight Committee Studies. Report is due to the 2005 General Assembly. JLEOC may study:

- Teacher Assistant Salary Schedule (Holliman; HB 800, Warner, Pate)
- Rural Schools (SB 703, Swindell, Holloman)
- Physical Restraints/Seclusions in Schools (SB 977, Dorsett)
- High School Graduation Rate Incentives (SB 949, Lucas; HB 1251, Glazier)
- At-Risk Students Single Funding (SB 954, Lucas; HB 1250, Glazier)
- Close Achievement Gap (SB 599, Lucas; HB 938, Michaux)
- E-Textbooks for Students (HB 940, Miller)
- Attracting Teachers to Become Coaches (Nesbitt; HB1786, Goodwin)
- Kindergarten Admission Requirements (Pate)
- Update the Job Description for School Counselors (HB 463, Bell)
- Testing Reform (Lucas, Apodaca)
- Total Teacher Program
- School Construction (Garrou)
- Computer-Based Math and Literacy Programs for Children Under Age Six
- Appropriate Education for Students on Long-Term Suspension
- School Nutrition/Physical Activity
- Adequacy of Low-Wealth School Funds (HB 1706, McLawhorn)

Part XV. Joint Legislative Health Care Oversight Committee. The report is due to the 2005 General Assembly. JLHCO may study:

- Benefits for State Employee Dependents (Rand)
- Consolidation of State Health Care Services (Rand)
- State Cost of Prescription Drugs (HB 1234, Insko, Glazier, Ross)

Part XVI. Study of Various Ways to Promote Government Efficiency and Savings in State Spending (Rand)

- UNC, Judicial Branch, Executive Branch, Legislative Branch, Community College System, and Department of Public Instruction shall jointly study various ways to promote government efficiency and savings on State spending (and lists 7 proposed areas to study).
- The DOA shall report the results to the Legislative Research Commission by Jan. 15, 2005.

Part XXIV. Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services Studies. The report is due to the 2005 General Assembly. The Committee may study:

- Integration of Care for Children with Multiple System Service Needs (SB 262, Foxx, Allran, Dannelly, Lucas, Purcell; HB 169, Insko) . If this study is undertaken, the task force is directed to “consider thoroughly” eight areas, including “information from the

Department of Public Instruction and other organizations showing the number of children who have been suspended or expelled from public school, the reasons for the suspension or expulsion, the number of these children who have received alternative placements to ensure that they are being adequately and appropriately served by State and local service systems.”

Part XXVII. UNC Board of Governors Study Feasibility of Forgiveness of Student Debt Program.

- UNC Board of Governors in conjunction with NC State Education Assistance Authority may study the feasibility of a program to forgive student indebtedness for teachers who have continuing certification in and are teaching in the disciplines of mathematics, science, or special education.
- Results to be reported to JLEOC by Jan. 15, 2005.

Part XXVIII. State Board Teacher Retention Task Force.

- The State Board of Education shall form a Task Force co-chaired by the State Board of Education Chairman or designee and the Lt. Governor or designee to study issues related to effective recruitment and retention of teachers for the North Carolina public schools. The Task Force shall include practicing public school teachers, principals, superintendents, local boards of education, and representatives from the University System, the Community College System, and others as deemed appropriate by the co-chairs.
- The SBE is directed to report findings and recommendations to Ed Oversight by Feb. 15, 2005, and to use federal funds to support the Task Force’s work.

Part XXXV. Smart Start Funding Study (Hagan). Report due to the 2005 General Assembly.

- Establishes as Smart Start Funding Study Commission to study the funding of the North Carolina Partnership for Children, including the current funding system of the North Carolina Partnership for Children, any strategies for achieving full funding and full service for North Carolina's young children and families, and funding equity among all counties and local partnerships.

Part XLIII. Craven and Pamlico Technical High School Task Force Studies (Gorman). Report due to the 2005 General Assembly.

- State Board of Community Colleges, State Board of Education, Pamlico Community College, and Pamlico County Schools may establish a task force to develop a plan to expand students’ educational opportunities within the public school system by creating a technical high school.
- Similar language creating a similar task force for Craven County.

Part LIII. Bill and Resolution References

- Amends HB 1414 to clarify that a charter school must also pay a Reemployed Teacher Contribution Rate of 11.70% for retired teachers employed exempt from the earnings cap.

SESSION LAW 2004-199

S 1225. 2004 Technical Corrections Act

Section 29 - Amends G.S. 115C-522(a) to exempt local boards of education from the requirement to comply with formal bidding procedures for the purchase of published books, manuscripts, maps, pamphlets, and periodicals. This section is effective retroactively to April 1, 2004.

Section 30 - Amends several educational testing statutes (G.S. 115C-549, G.S. 115C-550, G.S. 155C-557, and G.S. 115C-558) to correct references to a repealed statute.

Section 34 - Amends G.S. 135-1(25) and G.S. 135-40.2(a2) of the Retirement law to correct two statutory references to job sharing by teachers.

Section 35 - Amends G.S. 143-34.1(d) to clarify the authority of the NC-Flex plan to offer products that supplement, but not “replace, substitute or duplicate” benefits already provided by the State.

Section 38 - Amends G.S. 143-64 to clarify that contracts for the sale of juice or bottled water in public schools, community colleges, and universities shall be bid separately from each other and separately from any other contract.

Section 42 - Amends a 1931 session law to allow the Asheville City School Board to fall under generally applicable law for compensation of the board members.

Section 53 - Amends HB 1414 (the 2004 budget bill) to direct the local school administrative unit and the two- and four-years colleges to agree upon the minimum age of students participating in the pilot projects for the High School Workforce Development Program.

Section 54 - Amends HB 1414 (the 2004 budget bill) to permit Department of Public Instruction to transfer funds within the DPI budget to implement the reorganization outlined in the study by the Office of State Budget and Management.

Section 57 - Amends G.S. 135-3(8)c and G.S. 115C-325(a)(5a) to clarify that retired teachers may return to teaching in a charter school and continue to collect retirement benefits, under the same conditions as retired teachers who return to teaching in traditional public schools.