

House Bill Summaries

SESSION LAW 2005-179

HB 11 – Clarify School Administrators Certification Standards

Amends GS 115C-290.7(b), which sets forth the educational qualifications for certification as a school administrator, to provide an individual may satisfy requirements for certification if he or she has education and training the State Board of Education determines are equivalent to degree requirements set forth in the statute.

SESSION LAW 2005-448

HB 99 – Amend Workers’ Compensation Act

Establishes a 12-member committee to study disability benefits provided by the Workers’ Compensation Act, including coverage and benefit levels, how workers’ compensation benefits interact with social security and private disability benefits, duration of medical benefits, etc. The study committee is directed to make a final report to the 2007 General Assembly. In addition, makes numerous changes to NC Workers’ Compensation Act.

SESSION LAW 2005-317

HB 182 – Charter School Retirement Election

Permits the boards of directors of Success Institute and Piedmont Community Charter School to become participating employers in the Teachers’ and State Employees’ Retirement System and State Employees’ Comprehensive Major Medical Plan.

SESSION LAW 2005-345

HB 320 – Modify 2005 Appropriations Act

Makes technical, clarifying, and other modifications to the Current Operations and Capital Improvements Appropriations Act of 2005 (SB 622, SL 2005-276), including the following that affect public schools.

- Adds new section to SL 2005-276 authorizing the use of \$750,000 from the Disaster Relief Reserve Fund to repair a Hyde County school damaged by hurricanes.
- Amends Section 10.59F of SL 2005-276 establishing the Governor’s Vision Care Program to change the effective dates so that the new statutory language requiring comprehensive eye exams for school entry is effective beginning with the 2006-07 school year. The remainder of the section is effective July 1, 2005.
- Amends Section 29.28(a) of SL 2005-276, which amends GS 135-3(8)c relating to maintenance of retirement benefits for retired teachers returning to teaching positions. New language provides that the retirement benefits should be maintained as long as the retired teacher returns to work in a permanent full-time or part-time capacity that exceeds 50% of the applicable workweek.

SESSION LAW 2005-305

HB 328 – Omnibus Local Laws (Section 6 and Section 9)

Section 6 rewrites Section 10 of Chapter 939 of the 1987 Session Laws and validates the elections for the District 3 seat on the Pamlico County Board of Education.

House Bill Summaries

Section 9 rewrites Section 2 of Chapter 29 of the 1967 Session Laws, as amended by Chapter 8 of the 1977 Session Laws, to specify the composition of the Elizabeth City-Pasquotank Board of Education.

SESSION LAW 2005-154

HB 403 – Amend Law on Purchase of PSAT for Schools

Amends GS 115C-174.18 by deleting requirement that the State Board of Education contract with the College Board for the Preliminary Scholastic Aptitude Test (PSAT). Does not remove requirement that every student in the eighth through tenth grades who has completed Algebra I or who is in the last month of Algebra I be given an opportunity to take a version of the PSAT one time at State expense.

SESSION LAW 2005-155

HB 404 – Repeal Duplicative School Accreditation Requirement

Amends GS 115C-12(9) to delete requirement that State Board of Education develop a state accreditation program that meets Basic Education Program requirements.

SESSION LAW 2005-48

HB 415 – School Calendar Flexibility After Hurricane Flooding

Amends GS 115C-84.2(a)(1) to provide that for 2004-05 school year only, local school administrative units located in counties that were declared a federal disaster area as the result of Hurricanes Frances and/or Ivan and that missed more than 13 instructional days due to inclement weather and flooding caused by those hurricanes may adopt a school calendar that includes a minimum of either 180 days or 1,000 hours of instruction.

SESSION LAW 2005-315

HB 485 – Charter School Retirement Election

Permits the board of directors of Evergreen Charter School to become a participating employer in the Teachers' and State Employees' Retirement System.

SESSION LAW 2005-22

HB 496 – Student Asthma Medications

Enacts new GS 115C-375.2 requiring local boards of education to adopt policies permitting students with asthma or subject to anaphylactic reactions to possess and self-administer asthma medication.

SESSION LAW 2005-198

HB 563 – Community College May Train Lateral Entry Teachers

Amends GS 115C-296(c) to require that State Board of Education, in consultation with State Board of Community Colleges, develop policies that permit individuals with a bachelor's degree to take courses at a community college in order to receive teacher certification. Also changes requirements for completion of lateral entry programs to comply with federal No Child Left Behind requirements.

SESSION LAW 2005-77

HB 583 – Community College/Lead Agency for Job Training

Includes two provisions affecting public schools. Amends SL 2001-312 allowing gifted students to attend community colleges by extending the expiration date of that act from September 1, 2004, to September 1, 2008. Amends GS 115D-1.1 regarding discretion in allowing admissions to community college classes to (1) provide that a local board of education where the student is either enrolled or domiciled (was, enrolled) may approve the enrollment and (2) add the administrator of the college or university where the student is enrolled as a person who may approve the enrollment.

SESSION LAW 2005-170

HB 635 – Public Comment at Local Board Meetings

Enacts new GS 115C-51, 153A-52.1, and 160A-81.1 to require at least one public comment period per month at a regular meeting of a local board of education, county board of commissioners, or municipal governing board.

HB 706 – Facilitate Hiring of Teachers

Note: HB 706 was vetoed by Governor Easley on September 29, 2005. In a special session on October 12, 2005, called to consider the Governor's veto, the House of Representatives re-referred HB 706 to the Committee on Rules, Calendar, and Operations of the House.

Amends GS 115C-296 to eliminate a standard examination (currently Praxis II) for any applicant for teacher certification except beginning teachers or as required by the federal No Child Left Behind Act of 2001. It provides that a teacher from another state who has less than three years experience and is employed as a teacher in NC is considered to have satisfied the academic and professional requirements for initial certification in NC if the teacher is fully certified and highly qualified as provided by NCLB in other state. A teacher with three or more years experience in another state who is fully certified in that state and highly qualified under NCLB would be deemed to have satisfied academic preparation required to receive continuing certification in NC. The bill makes other changes to conform NC teacher licensure laws to NCLB, etc., and would apply to all persons initially employed as teachers for the 2005-2006 school year.

SESSION LAW 2005-36

HB 707 – Amend Star-Rated Licensure/Child Care Facilities

Amends GS 110-90 to require that by January 1, 2008, the rating of a child care facility currently holding a license of two to five stars will be based on program standards and education levels, and that new licenses issued before January 1, 2006, to facilities with a two to five star rating will be based on same criteria. Effective January 1, 2006, requires that a child care facility must maintain a compliance history of at least 75% before any new license or Notice of Compliance is issued. Requires that by January 1, 2008, all facilities must have a compliance history of at least 75% in order to maintain a license or Notice of Compliance.

SESSION LAW 2005-91

HB 710 – Retirement Systems Technical Corrections – AB

Makes technical corrections to the laws governing the teachers' and state employees' retirement system, the local governmental employees' retirement system, the consolidated judicial retirement system, and the firemen's and rescue squad workers' pension fund.

House Bill Summaries

SESSION LAW 2005-453

HB 768 – 2005 Omnibus Labor Law Changes – AB (Sections 16-23)

Makes technical and other changes to the Uniform Boiler and Pressure Vessel Act of North Carolina and the Wage and Hour Act of North Carolina. Public Schools are affected by the provisions in sections 16-23 relating to deductions from employees' checks.

SESSION LAW 2005-318

HB 779 – Increase the Penalty for Truancy

Amends GS 115C-380 and GS 116-235(b)(2) to increase the penalty for truancy from a Class 3 to a Class 1 misdemeanor.

SESSION LAW 2005-169

HB 800 – State Contracts/Report Outsourcing

Enacts new GS 143-59.4 requiring vendors bidding on state contracts to disclose whether services will be performed outside the United States.

SESSION LAW 2005-457

HB 855 – Child Nutrition Standards

Enacts new GS 115C-264.3 directing the State Board of Education to establish statewide nutrition standards for school meals, a la carte foods and beverages, and the after school snack program administered by the Department of Public Instruction and child nutrition programs of local school administrative units, as recommended by the Study Committee for Childhood Overweight/Obesity of the Health and Wellness Trust Fund. Requires that the nutrition standards adopted by the State Board of Education be implemented initially in elementary schools and that all elementary schools achieve a basic level of compliance by the end of the 2007-2008 school year, followed by middle schools and then high schools.

SESSION LAW 2005-458

HB 911 – Streamline School Testing Program

Enacts new GS 115C-12(9c) authorizing the State Board of Education to develop exit standards that will be required for high school graduation. Deletes GS 115C-11 (9b) requiring the SBE to implement a high school exit examination. Amends GS 115C-174.11 to allow State Board of Education to develop and implement plan for end-of-course tests consistent with new GS 115C-174.11(d)) and aligned with content standards developed under GS 115C-12(9c).

SESSION LAW 2005-344

HB 1023 – NC State Lottery Act

Enacts new GS Chapter 18C to establish a state lottery in North Carolina. Amended by SL 2005-276, the 2005 Appropriations Act.

SESSION LAW 2005-205

HB 1032 – Placing Students in Seclusion

Enacts new GS 115C-391.1 to clarify the permissible use of seclusion and restraint in public schools and to provide for training in management of student behavior. Rewrites GS 115C-296 to require that teacher education programs for all students include demonstrated competencies in positive management of student behavior and effective communication techniques in response to disruptive or dangerous behavior. Creates similar preservice training requirement, beginning with the 2006-07 school year, for lateral entry teachers and includes in the requirement training in identification and education of children with disabilities. Amends GS 115C-105.47(b)(9) to require that, by January 1, 2006, local safe school plans must include a professional development component for training appropriate school personnel in management of disruptive or dangerous student behavior. Amends GS 143-138(b), to (1) provide that no state or local building code or regulation may prohibit use of special locking mechanisms for seclusion rooms in public schools approved pursuant to new GS 115C-391.1, and (2) set out required characteristics of these mechanisms.

SESSION LAW 2005-307

HB 1034 – Rockingham County Schools Elections (Local)

Provides that effective December 2006 until December 2008, the Rockingham County Consolidated Board of Education will consist of thirteen members, five elected at large and eight from single-member districts, and that effective December 2008 the Board will be reduced to eleven members, five elected at large and six elected from single-member districts. Provides for four-year terms.

SESSION LAW 2005-107

HB 1055 – Jones School Board Vacancies (Local)

Amends SL 1973-349 to provide that the procedure for filling a vacancy in the board of education of Jones County be the same as the current procedure for filling a vacancy on the board of commissioners of Jones County.

SESSION LAW 2005-446

HB 1076 – Alternative Learning Programs/School Proposals

Directs the State Board of Education to adopt standards for alternative learning programs, and to require local boards of education to develop proposals and submit them to the State board of Education for approval before establishing any alternative learning program or alternative school. Also requires the State Board of Education to report to the Joint Legislative Education Oversight Committee by April 15, 2006, regarding any changes necessary to improve alternative education programs and schools.

SESSION LAW 2005-421

HB 1207 – 2005 Appointments

Appoints persons to various public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, makes technical changes to various terms, and amends the appointment of the membership of the Edenton Historical Commission.

SESSION LAW 2005-419

HB 1310 – Testing Requirements/Teacher Education Students

Enacts new GS 115C-296(b2) to permit students to use their SAT scores or Praxis I scores to qualify for admission to teacher education programs and directs the SBE to set the minimum required SAT score between 900 and 1200.

SESSION LAW 2005-227

HB 1332 – Electronic Purchases and Sales

Amends GS 143-129(a) to include school superintendent and any other employee as persons to whom authority to contract may be delegated. Amends GS 143-131 to increase from \$5,000 to \$30,000 the threshold for when counties and cities must let contracts for construction, repair work, etc., on informal bids; also specifies that school administrative units are covered by the provisions of the section.

ADOPTED

HR 1366 – E-Rate

Urges Congress to enact legislation to provide that funds received as Universal Service contributions and the Universal Service Supports programs are not subject to certain accounting rules.

SESSION LAW 2005-204

HB 1400 – School Bus Safety Act

Amends GS 20-217 to increase the penalty for passing a stopped school bus from a Class 2 misdemeanor to a Class 1 misdemeanor, except that if the violator strikes a person and causes serious bodily injury, it is a Class I felony.

SESSION LAW 2005-302

HB 1414 – Help Teacher Assistants Become Teachers

Enacts new GS 115C-310 to provide that teacher assistants may continue to receive their salary and benefits while student teaching in the same local school administrative unit where they are employed as a teacher assistant. Directs the State Board of Education adopt a program to facilitate the process by which teacher assistants may become teachers.

SESSION LAW 2005-355

HB 1491 – Insurance for School Social Workers

Enacts new GS 115C-47(25a) to require local boards of education to provide liability insurance for school social workers who transport students.

SESSION LAW 2005-144

HB 1630 – 2005 Continuing Budget Authority Revenue

Authorizes the Director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 2005. Extends the sunset on retired teachers returning to the classroom until July 31, 2007. Also conforms retiree return to teaching benefit to IRS guidelines, clarifies definition of retirement, conforms the state estate tax to the federal estate tax sunset, and extends the sunset on the additional one-half cent state sales and use tax and on the upper income tax bracket.

SESSION LAW 2005-201

HB 1631 – Extend Continuing Budget Authority

Authorizes the Director of the Budget to continue expenditures for operation of government at the level in effect on June 30, 2005. Also appropriates funds for increases in the average daily membership in the public schools and in university and community college enrollment.

CHAPTERED RESOLUTION 2005-52

HJR 1795 – Set Joint Session to Confirm Governor’s SBE Appointments

Provides for a joint session of the General Assembly to act on a joint resolution providing for confirmation of the Governor’s appointments of new members to the State Board of Education.

CHAPTERED RESOLUTION 2005-54

HJR 1796 – Joint Resolution to Confirm Governor’s SBE Appointments

Provides for confirmation of the appointments of Melissa Bartlett, Shirley East Harris, and Howard N. Lee to membership on the State Board of Education.

