



Summary of 2009 North Carolina General Assembly Legislation

Summary of 2009 Legislative and Policy Changes

Session's Somber Tone Set by Economy's Woes

North Carolina's state legislators were confronted with challenges beyond their expectations when they returned to Raleigh to convene the 2009 Session on January 28. The tone was set January 10, when North Carolina's 73rd Governor, Beverly Eaves Perdue, took the oath as the first female to hold that office. Her first speech as Governor was peppered with references to the state's economic difficulties about which she was already aware, but also with reference to the bright future that would reward North Carolinians who would face the problems with courage and decisiveness.

Lawmakers needed both those traits as they trudged through economic shortfalls and unemployment, the likes of which had not been seen since the Great Depression. The cliché, "it could be worse," was quoted often as North Carolina's recession arrived later than it did in much of the nation. The neighbor to the south – South Carolina – faced unemployment numbers that rivaled those in the rust belt. But lawmakers felt real pain as they weighed unthinkable choices – education cuts; human services cuts; and employee furloughs among them – as they worked to give the new governor a constitutionally-mandated balanced budget to sign.

All the while, the revenues came in slowly and short of expectations. Still working under the 2008-2009 Budget, Gov. Perdue announced cuts due to revenues running far shorter of even the most conservative estimates. The rescissions continued as lawmakers struggled to cut budgets and to find ways to raise the revenues needed to preserve what was necessary to maintain North Carolina's priorities by the onset of the new fiscal year July and the new 2009-2010 budget.

The fiscal conundrum overshadowed nearly every deliberation, debate and decision. Few policy discussions did not involve the budget. Policy issues that would otherwise be considered were shelved this year because of the budget.

PENC Protects Members

Despite these obstacles, PENC vigorously advocated on behalf of members with some success. Because of the state's economic situation, PENC was often in a defensive posture, fighting to prevent deterioration of teachers' salaries and to maintain sustainability of benefits – like health insurance. At the same time, PENC worked to ensure that teachers could continue to work without further impediments and red tape to get in the way of their core mission -- providing quality education to their students and to promote excellence in the education profession.

Given such results, PENC's advocacy clearly emerged as a tremendously valuable service supported by members' dues. Without PENC's advocacy efforts, teachers' salaries could have been cut rather than held steady. Without PENC's advocacy, teachers could have suffered further encroachments on protected teacher workdays for administrative purposes. Without PENC advocacy, lawmakers would not have heard the voices of teachers opposed to collective bargaining and forced unionization.

PENC members must prepare for the turbulent 2010 political environment through vigorous support for PENC's advocacy activities. Threats to PENC's priorities – especially those proffered by pro-union groups, will continue in 2010. Though the economy is beginning to recover, state coffers will not be replenished to satisfy all competing – and compelling – needs. So Advocacy must not only continue, but must be stepped up.

You can be a part of advocacy that protects your profession. Recruit new members to join PENC. Support PENC by inviting lawmakers to visit your school community. Get to know who represents you in the General Assembly in Raleigh and communicate with them. Such simple acts can amplify PENC's advocacy message. For more information on participating in advocacy efforts, please contact Evelyn Hawthorne, PENC's Government Relations Consultant.

Thank you for all that you do to support PENC.

For more information about the North Carolina General Assembly, please visit
www.ncleg.net

To identify and contact your legislator, please visit:
http://www.ncleg.net/GIS/Representation/Who_Represents_Me/Who_Represents_Me.html .

For information about specific issues, please contact PENC government relations consultant Evelyn Hawthorne at lobbyist@pencweb.org

Compensation and Benefits Changes

HB94, CLARIFY DEFINITION OF RETIREMENT

Summary: An Act to Amend the Definition of Retirement to Clarify that Service as an Unpaid Volunteer in a Local School Administrative Unit is not Considered Service for the Purpose of that Definition.

History: 03/26/2009 – G Signed by the Governor 3/26/2009.

03/26/2009 – R Chaptered Session Law 2009-11.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H94v4.pdf>

HB482, REINSTATEMENT OF SICK LEAVE/SCHOOL EMP' EES

Summary: An Act Relating to the Reinstatement of Unused Sick Leave for Public School Employees.

History: 06/19/2009 – G Signed by the Governor 6/19/2009.

06/19/2009 – R Chaptered Session Law 2009-144.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H482v4.pdf>

HB642, RETIREMENT TECHNICAL CORRECTIONS

Summary: An Act to Make Technical Corrections and Other Changes to the Statutes Governing the Teachers' and State Employees' Retirement System, the Judicial Retirement System, the Legislative Retirement System, the Local Governmental Employees' Retirement System, and the Firemen's and Rescue Squad Workers' Pension Fund.

History: 06/08/2009 – G Signed by the Governor 6/8/2009.

06/08/2009 – R Chaptered Session Law 2009-66.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H642v4.pdf>

HB917, IMPLEMENT EXEC. ORDER #11/PROTECT EMPLOYEES

Summary: An Act to Make the Effect of Executive Order Number Eleven Applicable to the Legislative and Judicial Branches and to Protect State Employees Under that Order.

History: 05/18/2009 – G Signed by the Governor 5/18/2009.

05/18/2009 – R Chaptered Session Law 2009-26.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H917v5.pdf>

Discussion

The bill extended the reduction of .5 per cent of annual salary applied in May and June for teachers and state employees to legislative and judicial employees, who were not covered by the Executive Order 11. The 10 hour of flexible leave was extended to those employees as well. The State Board of Education was directed to adopt rules for the furlough provision for teachers. **H 917** holds harmless the retirement, longevity and health coverage of employees whose pay is subject to a non-disciplinary reduction. The provisions expire Jan. 1, 2010.

HB1172, SCHOOL BASED ADMINISTRATOR SALARY SCHEDULE

Summary: An Act to Enact the Base Salary Schedule for School-Based Administrators.

History: 08/07/2009 – G Signed by the Governor 8/7/2009.

08/07/2009 – R Chaptered Session Law 2009-450.

Discussion

H 1172 began its life as a bill that would have enabled state employees to take voluntary furloughs to forgo job cuts. It was amended by the Senate and accepted by the House to correct an error in the school administrators' salary charts in the budget bill, S 202.

HB1221, DEVELOP STATE EMPLOYEE BENEFITS STATEMENT

Summary: An Act Directing the Office of State Personnel, Department of Public Instruction, North Carolina Community Colleges, and the University of North Carolina to Develop an Employee Benefits Statement that Reflects the Current Value of Employee Benefits Provided to State, Public School, and Community College Employees.

History: 06/08/2009 – G Signed by the Governor 6/8/2009.

06/08/2009 – R Chaptered Session Law 2009-63.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1221v4.pdf>

SB287, STATE HEALTH PLAN \$/GOOD HEALTH INITIATIVES

Summary: An Act to Appropriate Funds for the State Health Plan for Teachers and State Employees and to Make Other Changes Related to the State Health Plan.

History: 04/27/2009 – G Signed by the Governor 4/23/2009.

04/27/2009 – R Chaptered Session Law 2009-16.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S287v8.pdf>

Discussion

S 287, State Health Plan/Good Health Initiatives was an effort to reinvent the State Health Plan to make it sustainable for current and future state employees. With no changes implemented, the State Health Plan risked financial failure. The optical benefit is dropped and there remain only two options from which members can choose – Basic and Standard. The Basic Plan is a 70/30 in-network option after deductibles and copayments. The Standard Plan is an 80/20 in-network option after deductibles and copayments. The deductibles, coinsurance and co-payment amounts were all increased.

Teachers and state employees are faced with higher dependent coverage costs, copayments, deductibles and coinsurance. The premium increase to the state – and to Plan members for dependent coverage – is 8.9 per cent. On the other hand, the state will continue to cover the entire premium cost for employees.

A comprehensive wellness initiative – smoking cessation and weight loss program – are included to encourage Plan members to quit smoking and to maintain a healthier weight. Effective July 1, 2010, all Plan members who smoke will be enrolled in the Basic Plan. By July 1, 2011, all Plan members whose body mass index exceeds a body mass index as determined by the Plan will be in the Basic Plan.

The bill created a lower specialist tiered copayment for chiropractic, physical therapy, occupational therapy, speech therapy, and mental health and substance abuse providers. The new specialist tier is \$55 under the Basic Plan and \$45 under the Standard Plan. The new copayments make these services more affordable for Plan members.

The Plan's pharmacy benefits do not include a mail order or extended pharmacy program that was advocated by pharmacy benefits manager Medco. Instead, pharmacies will be charged with generating savings for the plan through greater use of generic drugs and reduced reimbursement. Specialty drugs as defined by S 287 are provided directly by Medco, but cancer drugs will be excluded from the specialty vendor requirements. These provisions preserve the ability of state employees and retirees to work directly with their local pharmacists for pharmacy services.

The audit, monthly review and contract disclosure provision are included in S 287 is a Blue Ribbon Task Force, which will be charged with developing longer-term fixes for the Plan. Most of the provisions of S 287 became effective July 1, 2009, unless indicated otherwise.

SB962, PROBATIONARY TEACHER APPEALS

Summary: An Act to Modify the Hearing Process Applicable to Probationary Teachers.

History: 07/24/2009 – G Signed by the Governor 7/24/2009.

07/24/2009 – R Chaptered Session Law 2009-326.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S962v6.pdf>

SB894, UI/SCHOOL TEACHER RELATED AMENDMENTS

Summary: An Act to Amend the Employment Security Laws Relating to the Definition of Substitute Teacher and Other School-Related Positions in Determining Eligibility for Unemployment Insurance Benefits and Relating to Disqualification for Benefits Due to Inability to Obtain a License or Certification Necessary for the Performance of an Individual's Employment.

History: 08/26/2009 – G Signed by the Governor 8/26/2009.

08/26/2009 – R Chaptered Session Law 2009-506.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/Senate/HTML/S894v6.html>

2009 Budget Bills

SB202, APPROPRIATIONS ACT OF 2009

Summary: An Act to Make Base Budget Appropriations for Current Operations of State Departments, Institutions, and Agencies, and for Other Purposes.

History: 08/07/2009 – G Signed by the Governor 8/7/2009.

08/07/2009 – R Chaptered Session Law 2009-451.

Web Links: <http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S202v8.pdf>

http://www.ncleg.net/sessions/2009/budget/2009/JointConferenceCommitteeReport_SB202_2009_08_03.pdf

S 202, 2009 Appropriations Act, created a budget that appropriated more than \$19 billion, falling short of last year's budget by more than \$2 billion. Embedded within the budget are a myriad of cuts in education and health and human services spending and changes to the tax code to generate \$990 million in new revenues. Noticeably absent are any salary increases for teachers and state employees, although lawmakers were able to scrape together resources to continue longevity pay differentials. Additionally, S 202 includes federal stimulus funds – Economic Stimulus Funds and American Recovery and Reinvestment Act funds -- to address some ongoing budget obligations. Consequently, next year's budget process will be more difficult and complex.

Revenues

The budget proposes changes to the collection of revenues to support the State's operations. One change that provides a break to many taxpayers the provision to conform North Carolina's income tax calculation to the Internal Revenue Code, generating a loss of revenue for the state at a rate of \$116.3 million in FY 09-10 and \$80.9 million in FY 10-11.

- Income Tax Surtax -- scheduled to sunset Jan. 1, 2011, the surtax is slated to generate almost \$173 million in FY 09-10 and more than \$177 million in FY 10-11. It would apply to the following filers:
 - No surtax for single filers up to \$60,000, heads of households up to \$80,000, married filing separately up to \$50,000 and married filing jointly or surviving spouse up to \$100,000.
 - 2 per cent surtax for single filers between \$60,000 and \$150,000, heads of household between \$80,000 and \$200,000, married filing separately between \$50,000 and \$125,000, and married filing jointly between \$100,000 and \$250,000.
 - All filers above the respective levels would have imposed 3 per cent surtax.
- Income Tax Surtax for corporate filers – 3 per cent, expiring Jan. 1, 2011. It is expected to generate more than \$23 million in FY 09-10 and \$25.5 million in FY 10-11.
- Sales and Use Tax – increased by 1%, estimated to generate more than \$803 million in the first year and more than \$1 billion in the second year.
- Clarify state sales taxes to be collected by retailers; impose state sales tax on remote, internet sales and click-throughs, digital products, magazines delivered by mail, ringtones and downloads. These changes are slated to generate almost \$11.8 million in FY 09-10 and \$24.1 million in FY 10-11.
- Increase “sin” taxes to generate \$68.8 million in FY 09-10 and \$93.8 million in FY 10-11, as follows:
 - **Cigarettes:** 10 cents more per pack
 - **Other Tobacco Products:** 2.8% tax increase
 - **Beer:** 5 cents per six pack
 - **Wine:** 4 cents per bottle
 - **Liquor:** a 5% increase in the excise tax
- Finance Committee to study tax code revisions – the President Pro Tempore of the Senate and Speaker of the House authorize the Finance Committees of the Senate and House of Representatives to meet during the interim between legislative sessions to consider reforming North Carolina’s tax structure to broaden the tax base and lower take rates.

Education

The Public Schools budget was funded at nearly \$7.5 billion in FY 09-10 and at nearly \$7.4 billion in FY 10-11. The FY 09-10 Public Schools budget was cut by almost \$800 million with a loss of 64 jobs in the Department of Public Instruction and by 75 jobs and almost \$1 billion in FY 10-11. In addition, lawmakers suspended the corporate income tax earmark for public schools’ buildings for two years, at a rate of \$60.5 million in FY 09-10 and \$64.5 million in FY 10-11. Changes include the following items.

Cuts

- Use of ESF funds to fund non-instructional support at nearly \$380 million in FY 09-10 and at more than \$370 million in FY 10-11.
- Directives to LEAs to manage \$225 million in cuts in FY 09-10 and more than \$304 million in FY 10-11.
- Restructuring of state-administered test not required by federal law, including chemistry EOC, physics EOC, reading competency, mathematics competency, Grade 3 Math and reading pretests and computer skills. The changes will realize more than \$3 million in savings in FY 10-11, as stated in Section 7.20.(a) – (d) of the bill.
- Elimination of the staff development funding, cutting nearly \$12.6 million in FY 09-10 and more than \$12.6 million in FY 10-11.
- Elimination of Literacy Coaches, saving more than \$12 million in FY 09-10 and in FY 10-11
- A 2.5 per cent cut in noninstructional support personnel funding, resulting in a cut of \$10 million in FY 09-10 and in FY 10-11. Included among such personnel are clerical assistants, custodians and substitute teachers.
- Teacher mentoring funds cut by \$2 million in each year of the fiscal biennium
- Cuts to a number of nonprofits serving education purposes, including Communities in Schools of North Carolina (\$160,750 cut in each fiscal biennium), the Public School Forum (\$234,271 in each year of the fiscal biennium) and \$1.5 million in each year for the Teacher Academy that would have supported literacy coaches, which were eliminated

New Funds

- \$3.6 million in each year of the fiscal biennium to fund 12 additional Learn and Earn high schools
- \$2 million in each year of the fiscal biennium to expand North Carolina Virtual Public Schools
- \$13 million in each year of the fiscal biennium for dropout prevention grants.

Education Policy Changes of Interest

S 202 provides for a number of policy changes of interest to educators. Many of those changes are listed below.

- Moratorium on ABCs performance awards – Section 7.11 (a)-(b). The provision directs the State Board of Education (SBE) to study the ABCs Accountability system and report on restructuring the plan to the Governor and the Joint Legislative Education Oversight Committee by January 31, 2010. In the meantime, awards through the ABCs program are suspended.
- Dropout Prevention Grants – Section 7.13 (a) – (g). The provision adjusts the grant amounts and procedures for grant applications and evaluation.
- Department of Public Instruction (DPI) Budget Flexibility – Section 7.14 – The provision gives DPI the authority to reorganize in order to implement budget changes, but requires a report on such reorganization to the Joint Legislative Education Oversight Committee.
- Remove Barriers to Lateral Entry into Teaching – Section 7.21(a) – (b). The provision directs the SBE to review the lateral entry program to identify and remove

any barriers for skilled individuals in the private sector who wish to enter the teaching profession.

- No Pay Decrease for Teachers Who Become Assistant Principals – Section 7.22(a) – (b). The provision clarifies that teachers who move directly from a teaching position to an assistant principal position without a break will be paid at least as much as they made as teachers.
- Local Boards Inform Public About School Report Cards – Section 7.28. The provision directs local board of education to inform the public about the report cards they are issued by the SBE.
- NBPTS Application Costs – Section 7.30(a)—(c). The provision turns the National Board for Professional Teaching Standards Certification program supported by DPI and SBE into a loan program, beginning with the 2010 – 2011 school year.
- IDEA Funds – Section 7.32(a)-(b). The provision encourages local school administrative units to use IDEA funds they can receive through the ARRA program to other at risk students. The provision also requires LEAs to report on their use of IDEA funds and ARRA funds to the Joint Legislative Education Oversight Committee by March 15, 2011.
- Education Stabilization Funds – Section 7.34. The provision directs LEAs to use, to the extent possible to use ARRA funds to offset budget cuts. Among those education functions and priorities to be protected are teachers, teaching assistants, certified and noncertified instructional support personnel and noninstructional support personnel.
- Salary of Teachers with Graduate Degrees – Section 7.35. The provision directs the SBE to maintain the same policies related to masters pay for teachers that were in effect during the 2008-2009 fiscal year.
- Repeal of 2008 bill enabling National Board Certified Teachers to serve as full time mentors, effective Jan. 1, 2011.

Salaries and Benefits

S 202 provides for no salary increases during the biennium. At the same time, the bill sustains longevity pay differentials upon which teachers and state employees rely. Almost \$48 million is budgeted in one-time funds for severance pay for separations due to reductions in force. The Teachers' and Administrators' salary schedules follow and are posted also on the PENC website. Please note that an error in the Administrators' schedule was included in **S 202**. That error was corrected in another bill, **H 1172**, which contains the correct administrators' salary schedule.

Lawmakers provided \$21 million in FY 09-10 and \$160 million in FY 10-11 to fund the contribution to the State Retirement System. Earlier in the year, lawmakers made significant changes to the State Health Plan, including increases in dependent premiums, copayments and deductibles. The budget provides more than \$132 million in FY 09-10 and more than \$276 million in FY 10-11 to address the increased costs of the State Health Plan. The budget also provides more than \$3.3 million in FY 09-10 and more than \$7 million in FY 10-11 to fund support the State Health Plan's comprehensive wellness initiative.

HB836, MODIFY APPROPRIATIONS ACT

Summary: An Act to Make Technical, Clarifying, and Other Modifications to the Appropriations Act of 2009.

History: 09/10/2009 – G Signed by the Governor 9/10/2009.

09/10/2009 – R Chaptered Session Law 2009-575.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H836v6.pdf>

Discussion

H 836 addresses a number of truly technical issues in the budget bill, **S 202**. However, some provisions are substantive and significant. Among those changes are several that affect education, including the following changes of interest to PENC members.

- Section 3G changes the agency that will conduct the development of the PreK-20 Data System from the Department of Public Instruction to the State Board of Education.
- Section 3J adds a new provision directing the Joint Legislative Education Oversight Committee to develop a plan to restructure the North Carolina Teacher Salary Schedule. The study includes a directive to consider a number of factors, including the new NC Professional Teaching Standards as well as teachers who serve in high-poverty, low-performing schools or teach in high-needs subject areas, such as math and science.

Section 3H changes the effective date for the repeal of the 2008 legislation enabling Nationally Board Certified Teachers to serve as full time mentors to from January 1, 2011 to June 30, 2011.

Changes that Affect the Classroom

HB42, SCIENCE SAFETY IN THE PUBLIC SCHOOLS

Summary: An Act to Implement Science Safety Measures in the Public Schools.

History: 06/05/2009 – G Signed by the Governor 6/5/2009.

06/05/2009 – R Chaptered Session Law 2009-59.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H42v5.pdf>

HB65, STUDENTS UNDER 16 MAY ATTEND COMM. COLLEGE

Summary: An Act to Reenact and Clarify the Statute Authorizing Intellectually Gifted Students Under the Age of Sixteen to Attend Community College.

History: 06/01/2009 – G Signed by the Governor 6/1/2009.

06/01/2009 – R Chaptered Session Law 2009-46.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H65v5.pdf>

HB79, EXTEND SCHOOL FORMULA STUDY COMMITTEE

Summary: An Act Permitting the Joint Legislative Study Committee on Public School Funding Formulas to Extend Its Review of Public School Funding.

History: 07/10/2009 – G Signed by the Governor 7/10/2009.

07/10/2009 – R Chaptered Session Law 2009-276.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H79v5.pdf>

HB88, HEALTHY YOUTH ACT

Summary: An Act to Direct Local School Administrative Units to Provide Reproductive Health and Safety Education in Grades Seven Through Nine.

History: 06/30/2009 – G Signed by the Governor 6/30/2009.

06/30/2009 – R Chaptered Session Law 2009-213.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H88v8.pdf>

HB187, ENCOURAGE POLICIES TO FACILITATE GRADUATION

Summary: An Act to Direct Local Boards of Education to Encourage Local Businesses to Adopt Personnel Policies to Permit Parents to Attend Student Conferences, and to Encourage Local Boards of Education to Adopt Policies to Implement Programs that Assist Students in Making a Successful Transition Between the Middle School and High School Years, Increase Parental Involvement in Student Achievement, and Reduce Suspension and Expulsion Rates and Encourage Academic Progress During Suspensions, and to Direct Local Boards of Education to Modify Policies on Pregnant and Parenting Students to Provide Assistance and Support to Encourage Pregnant and Parenting Students to Graduate, as Recommended by the Joint Legislative Commission on Dropout Prevention and High School Graduation .

History: 07/24/2009 – G Signed by the Governor 7/24/2009.

07/24/2009 – R Chaptered Session Law 2009-330.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H187v5.pdf>

HB218, PARENT & STUDENT EDUCATIONAL INVOLVEMENT ACT

Summary: An Act to Modify the Requirements for the Notice that Must be Given to a Parent When a Student is Recommended for a Suspension of More Than Ten Days or an Expulsion from School.

History: 06/05/2009 – G Signed by the Governor 6/5/2009.

06/05/2009 – R Chaptered Session Law 2009-61.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H218v5.pdf>

HB223, NO HIGH SCHOOL GRADUATION PROJ. REQUIRED

Summary: An Act Removing the High School Graduation Project as a Requirement for Graduation and Directing the Program Evaluation Division of the General Assembly to Study the Cost and Effectiveness of Requiring a High School Graduation Project.

History: 06/05/2009 – G Signed by the Governor 6/5/2009.

06/05/2009 – R Chaptered Session Law 2009-60.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H223v4.pdf>

HB804, AMEND LAW RE: PERSONAL EDUCATION PLANS

Summary: An Act to Amend the Law Regarding Personal Education Plans for Students at Risk of Academic Failure.

History: 08/28/2009 – R Chaptered Session Law 2009-542.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H804v4.pdf>

HB1474, CREDIT EDUCATION REQUIRED FOR STUDENTS

Summary: An Act Requiring "Credit Education" for All Students.

History: 08/26/2009 – G Signed by the Governor 8/26/2009.

08/26/2009 – R Chaptered Session Law 2009-504.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1474v5.pdf>

HB1446, AMEND LAW RE: SCHOOL IMPROVEMENT PLANS

Summary: An Act to Amend the Law Relating to School Improvement Plans.

History: 06/30/2009 – G Signed by the Governor 6/30/2009.

06/30/2009 – R Chaptered Session Law 2009-223.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/HTML/H1446v5.html>

SB708, AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW

Summary: An Act to Amend the Compulsory School Attendance Law.

History: 08/05/2009 – G Signed by the Governor 8/5/2009.

08/05/2009 – R Chaptered Session Law 2009-404.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S708v4.pdf>

School Personnel and Student Health and Safety**HB209, SEX OFFENDER REGISTRY/LIBERTIES W/ STUDENT**

Summary: An Act to Add the Offense of Taking Indecent Liberties with a Student to the List of Sex Offenses that Require Registration Under the Sex Offender and Public Protection

Registration Program, as Recommended by the House Select Committee on Sex Offender Issues.

History: 08/26/2009 – G Signed by the Governor 8/26/2009.

08/26/2009 – R Chaptered Session Law 2009-498.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H209v5.pdf>

HB1078, REPT SCH VIOL TO SUPER./REQ. NOTIF. POLICY

Summary: An Act to Ensure that Acts of Violence in Schools are Reported to the Local Superintendent or the Superintendent's Designee and to Require Local Boards of Education to Adopt a Policy on Notification to the Parents or Legal Guardians of Students Alleged to be Victims of Any Act Required to be Reported to Law Enforcement and the Superintendent.

History: 08/05/2009 – G Signed by the Governor 8/5/2009.

08/05/2009 – R Chaptered Session Law 2009-410.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1078v5.pdf>

HB1327, SCHOOLS NOTIFIED OF CRIM. INTELL. INFO

Summary: An Act Authorizing Law Enforcement Agencies to Disseminate an Assessment of Criminal Intelligence Information to a School Principal Pursuant to Federal Law.

History: 06/11/2009 – G Signed by the Governor 6/11/2009.

06/11/2009 – R Chaptered Session Law 2009-93.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1327v5.pdf>

SB526, SCHOOL VIOLENCE PREVENTION ACT

Summary: An Act to Enact the School Violence Prevention Act and to Define Bullying or Harassing Behavior as Used in the Act as Any Pattern of Gestures or Written, Electronic, or Verbal Communications, or Any Physical Act or Any Threatening Communication, that Takes Place on School Property, at Any School-Sponsored Function, or on a School Bus, and that Places a Student or School Employee in Actual and Reasonable Fear of Harm to His or Her Person or Damage to His or Her Property; or Creates or is Certain to Create a Hostile Environment by Substantially Interfering with or Impairing a Student's Educational Performance, Opportunities, or Benefits; to Define Hostile Environment as Used in the Act as Meaning the Victim Subjectively Views the Conduct as Bullying or Harassing Behavior and the Conduct is Objectively Severe or Pervasive Enough that a Reasonable Person Would Agree that It is Bullying or Harassing Behavior; to Provide that Bullying or Harassing Behavior 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; and to Require All Local School Administrative Units to Adopt a Policy Prohibiting Bullying and Harassing Behavior as Required by the Act.

History: 06/30/2009 – G Signed by the Governor 6/30/2009.

06/30/2009 – R Chaptered Session Law 2009-212.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S526v5.pdf>

SB738, DIABETES CONTROL PLANS IN CHARTER SCHOOLS

Summary: An Act to Require Boards of Directors of Charter Schools to Implement the Guidelines Adopted by the State Board of Education for the Development and Implementation of Individual Diabetes Care Plans and to Require Local Boards of Education and Boards of Directors of Charter Schools to Report Annually to the State Board of Education About Their Compliance with These Guidelines.

History: 08/28/2009 – G Signed by the Governor 8/28/2009.

08/28/2009 – R Chaptered Session Law 2009-563.

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/Senate/HTML/S738v5.html>

Studies

In most years, Senate and House members agree to study a number of issues raised during the legislative session. Those issues arise from a number of sources, including unfinished legislation or issues identified through budget deliberations. The possible studies are usually enumerated in a bill, called the Studies Bill. PENC monitors the studies that are announced by the Senate President Pro Tempore and the House Speaker.

HB 945, STUDIES BILL

Summary: An Act to Provide for Studies by the Commission, Statutory Oversight Committees and Commissions, and Other Agencies, Committees and Commissions.

History:

Web Link: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H945v7.pdf>

Discussion

H 945 contains a number of proposals to study issues of interest to PENC. Some of the studies originated from bills introduced or passed by the General Assembly. Not all studies will occur, nor does the bill reflect all of the studies that could happen. The studies of interest in H 945 to PENC are listed below.

- Legislative Research Commission Studies:
 - Section 2.9 – Parenting Education.
 - Section 2.11 – After-School Child Care and Related Programs.
 - Section 2.13 – Youth Violence. – the LRC may study the causes and effects of youth violence and may review current State, local, and private efforts for prevention.
 - Early Childhood Programs.
 - Innovations in Education – LRC may study the feasibility of giving to every public school student a financial incentive for meeting and maintaining academic, disciplinary, attendance, character and other benchmarks.
 - Legislative Grants – LRC may study the feasibility of providing legislative grants for eligible students who attend NC career colleges and schools.

- Sports Injuries – the LRC may study issues related to sports injuries for all sports at the middle school and high school levels, focusing on the prevention and treatment of injuries.
- Voluntary Shared Leave Program – the LRC may study rules and policies for the voluntary shared leave program that will permit the donation of sick leave to a nonfamily member recipient for State employees subject to the State Personnel Act, public school employees and community college employees.
- Joint Legislative Education Oversight Committee Studies – Committee may study the following:
 - Consolidation of General Statutes and Administrative Rules Pertaining to High School Programs Offered at Community Colleges.
 - Social Workers in Schools.
 - Impact of Student Mobility on Academic Performance.
 - Alternative Schools.
 - ABC Bonus Program – the Committee may study the ABC Bonus Program and consider the current mechanism for determining the following:
 - Which schools' employees are entitled to bonuses
 - The relationship of bonuses awarded to the improvement of student performance and outcomes and the reduction in dropout rates
 - Any equities and inequities in the current program.

Bill that Failed Passage

HB442, PARENTAL INVOLVEMENT IN SCHOOL DISCIPLINE

Summary: An Act to Require School Officials to Make a Reasonable Attempt to Notify a Parent or Guardian Before Administering Corporal Punishment on a Student, to Prohibit the Administration of Corporal Punishment on a Student Whose Parent or Guardian Has Stated in Writing that Corporal Punishment Shall not be Administered on that Student, and to Require Local Boards of Education to Report Occurrences of Corporal Punishment.

History: 06/24/2009 – S Amendment Withdrawn #1.

06/24/2009 – S Amendment Adopted #2.

06/24/2009 – S Amendment Adopted #3.

06/24/2009 – S Failed 2nd Reading.

Web Link:

<http://www.ncleg.net/gascritps/BillLookup/BillLookup.pl?Session=2009&BillID=h442>

Bills Eligible for Consideration in 2010

HB188, STUDY RAISING COMPULSORY ATTENDANCE AGE

Summary: An Act to Direct the Board of Governors of the University of North Carolina, in Conjunction with the Department of Public Instruction and the North Carolina Independent Colleges and Universities, to Direct the Appropriate Entity to Study the Impacts of Raising the Compulsory Attendance Age for Public School Attendance Prior to Completion of a High School Diploma from Sixteen to Seventeen or Eighteen, as Recommended by the Joint Legislative Commission on Dropout Prevention and High School Graduation.

History: 05/19/2009 – S Referred To Senate Committee On Rules and Operations of the Senate.

Web Link:

<http://www.ncleg.net/gascritps/BillLookup/BillLookup.pl?Session=2009&BillID=h188>

HB213, VSL NONFAMILY SICK LEAVE DONATIONS

Summary: An Act to Require the Adoption of Rules and Policies for the Voluntary Shared Leave Program that will Permit the Donation of Sick Leave to a Nonfamily Member Recipient for State Employees Subject to the State Personnel Act, Public School Employees, and Community College Employees.

History: 06/11/2009 – S Withdrawn from the Calendar.

06/11/2009 – S Re-referred To Senate Committee On Appropriations/Base Budget.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h213>

HB593, CHANGE SCHOOL STARTING DATE

Summary: An Act to Change the School Starting Date for Students and to Require Local Boards of Education to Conduct a Public Hearing Before Determining the Opening and Closing Dates for the Public Schools.

History: 05/19/2009 – S Referred To Senate Committee On Education/Higher Education.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h593>

HB636, STAFF DEV. OK ON PROTECTED TEACHER WORKDAYS

Summary: An Act to Modify the School Calendar Law to Allow Local Boards of Education to Extend the Closing Date for Students by Three Days Until June 13 to Provide for Makeup Days Due to Inclement Weather or Emergency Conditions and If Additional Makeup Days are Still Needed, to Use Up to Two Protected Teacher Workdays.

History: 05/14/2009 – S Received From House.

05/14/2009 – S Referred To Senate Committee On Education/Higher Education.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h636>

HB856, MODIFY CHARTER SCHOOL LAW

Summary: An Act to Raise the Cap on the Number of Charter Schools and to Implement Recommendations of the Blue Ribbon Commission on Charter Schools.

History: 05/19/2009 – S Referred To Senate Committee On Education/Higher Education.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h856>

HB900, NUTRITION STDS./ALL FOODS SOLD AT SCHOOL

Summary: An Act Directing the State Board of Education to Annually Review Nutrition Standards for Foods and Beverages Administered by the Department of Public Instruction and Child Nutrition Programs of Local School Administrative Units and to Require Other Food Sale Operations on the School Campus During the Instructional Day to Meet Certain Standards by the 2010 School Year.

History: 05/05/2009 – S Received From House.

05/05/2009 – S Referred To Senate Committee On Education/Higher Education.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h900>

HB1292, EMPLOYMENT OF NONCERTIFIED SCHOOL PERSONNEL

Summary: An Act to Amend the Law Regarding the Dismissal, Demotion, or Suspension of Noncertified School Employees.

History: 08/07/2009 – S Withdrawn from the Calendar.

08/07/2009 – S Placed On Calendar For 5/19/2010.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h1292>

HB1392, NC RISK POOL CHANGES/OUT-OF-STATE SERVICES

Summary: An Act to Authorize the North Carolina Health Insurance Risk Pool to Negotiate Rates for Services Provided to Persons Covered Under the Pool by Out-Of-State Providers.

History: 05/07/2009 – S Received From House.

05/07/2009 – S Ref To Com On Commerce.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h1392>

SB66, REQUIRE ARTS EDUC. CREDIT FOR GRADUATION

Summary: An Act Directing the State Board of Education to Require One Arts Education Credit for Graduation from High School as Recommended by the Joint Select Committee on Arts Education.

History: 04/16/2009 – H Passed 1st Reading.

04/16/2009 – H Referred To House Committee On Education , if favorable, Appropriations.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=s66>

SB740, REINSTATEMENT OF SICK LEAVE/SCHOOL EMPLOYEES

Summary: An Act Relating to the Reinstatement of Unused Sick Leave for Public School Employees .

History: 05/19/2009 – H Passed 1st Reading.

05/19/2009 – H Referred To House Committee On Education , if favorable, Appropriations.

Web Link:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=s740>