



OFFICE OF THE STATE SUPERINTENDENT
North Carolina Department of Public Instruction

October 2023 Long Session Update

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Director of Government Affairs DPI & SBE

October 4, 2023

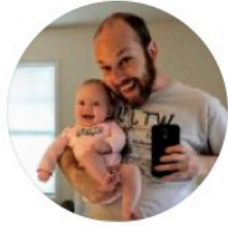
GA UPDATE

What's next at the General Assembly?

- **Budget became law 10/3/23**
- **All of DPI's major policy bills became law**
- **GA is currently having skeleton sessions**
- **Redistricting is now the focus**
- **Technical Fixes & Conference Reports in coming weeks?**



BUDGET HIGHLIGHTS



Colin Campbell
@RaleighReporter



Just in: Minutes after the Senate's final vote on the budget, [@NC_Governor](#) issues a statement saying he'll allow the budget to become law without his signature [#ncpol](#)
[#ncga](#)

10:31 AM · 9/22/23 from Earth · **5,768** Views

Budget at a Glance

- **Budget is 625 pages – Money Report is 786 pages**
- **More than 75 separate ED policy & budgetary provisions**
- **80 separate ED budget line items**
- **\$13.492B FY2023-23 - \$13.699B FY 2024-25**
- **More than 40 new reports (8 new reports due by EOY)**
- **24 new IT projects in this budget (added on to the current 20+ projects)**



Budget Overview – **SL 2023-134**

Priorities Funded

- Eliminate Student Co-Pay for Reduced Price Meals (\$3M R, \$3M NR)
- Anonymous Tip Line (\$850k)
- Economics and Personal Finance PD
- OCS Assistant Director
- Pre-K Early Literacy Assessment
- Teacher Salaries = 7.4% increase (request was 10%)
- Principal = \$14M increase (request was \$20M & to address swings)
- Needs-Base Capital Grants = \$250M+ (provision changes too)
- School Safety Grants = \$35M NR (mental health, preventative measures, and technology)
- ATR Bonuses funded for first time = \$13M R

Not in Budget

- No money for mandated FTEs
- Anything ESSER III related not funded in second year of biennium
- PD money for Comp Sci for 23/24 school year (\$500k in second year of biennium)
- No funding for CDP implementation (request was \$300K)
- No statewide PD money for teachers
- Several IT Projects/Initiatives (Email threat detection funded at \$5M)
- Additional Requirements w/o funding (research, reporting and duties)
- Nurse in every school (roughly 10% increase in budget)

Budget Overview

Many of DPI/SBE priorities found in **Special Provisions**

- NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND CHANGES SECTION 4.3.(a)
- "§ 115C-472.17. Supplemental funding in low-wealth counties
- CAREER EXPLORATION AND DEVELOPMENT PLANS SECTION 7.13.(a)
- DPI FUNDING IN ARREARS SECTION 7.20.(a)
- TEACHER ASSISTANT TUITION REIMBURSEMENT PROGRAM SECTION 7.44.(a)
- ELIMINATE STUDENT COPAY FOR REDUCED-PRICE MEALS SECTION 7.58.
- NO ADMINISTRATIVE PENALTY FOR UNPAID MEAL DEBT SECTION 7.60.(a)
- PROHIBITION AGAINST "THREE-CUEING" SECTION 7.64.(a)
- PROFESSIONAL DEVELOPMENT FOR HOLOCAUST EDUCATION FUNDS NOT TO REVERT SECTION 7.65.(a)
- SALARY SUPPLEMENTS FOR TEACHERS IN ADVANCED TEACHING ROLES SCHOOLS SECTION 7.66.
- LIMITED TEACHER LICENSE CHANGES SECTION 7.73.(a)
- OUT-OF-STATE TEACHER LICENSE RECIPROCITY SECTION 7.74.(a)
- OPPORTUNITY SCHOLARSHIP FINANCIAL IMPACT REPORT/REINVESTMENT IN PUBLIC SCHOOLS SECTION 7.82.(a)
- CLARIFY MINIMUM SERVICE REQUIREMENTS FOR PAID PARENTAL LEAVE SECTION 7.83.(a)

Budget Overview

Priorities found in Special Provision

- **NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND CHANGES SECTION 4.3.(a)**
 - Changes protect the spirit of the program
 - Changes hold counties/districts accountable for their applications
- **§ 115C-472.17. Supplemental funding in low-wealth counties**
 - Hold harmless provision for districts for previous year
- **PROHIBITION AGAINST "THREE-CUEING" SECTION 7.64.(a)**
 - This was never a standalone bill, appeared in Senate Budget
 - Superintendent very supportive of this effort

Budget Overview: Special Provisions

CLARIFY MINIMUM SERVICE REQUIREMENTS FOR PAID PARENTAL LEAVE SECTION 7.83.(a)

CLARIFY MINIMUM SERVICE REQUIREMENTS FOR PAID PARENTAL LEAVE

SECTION 7.83.(a) G.S. 126-8.6(c1) reads as rewritten:

"(c1) The State Human Resources Commission shall adopt rules and policies providing for a period of minimum service before an employee becomes eligible for parental leave, the maximum number of uses of paid parental leave within a 12-month period, and how much leave is to be provided in the event of miscarriage or the death of a child during birth. The rules shall provide that the period of minimum service may be met by aggregating employment at any of the following:

- (1) State agencies, departments, and institutions, including The University of North Carolina.
- (2) Public school units that provide paid parental leave in accordance with this section.
- (3) Community colleges located in this State."

SECTION 7.83.(b) G.S. 115C-218.90(a)(6) reads as rewritten:

"(6) A board of directors may provide paid parental leave consistent with the requirements of G.S. 126-8.6. If the board provides paid parental leave, it shall be eligible to receive funds as provided in G.S. 115C-336.1(b). If the board does not provide paid parental leave, it shall provide written notice to individuals upon offering employment. The notice shall state that employment with the charter school will not count toward any minimum period of service established pursuant to G.S. 126-8.6(c1)."

Budget Overview: Special Provisions

TEACHER ASSISTANT TUITION REIMBURSEMENT PROGRAM SECTION 7.44.(a)



YOU DON'T SAY

“So we’re leaving money on the table.”

Jamey Falkenbury, director of government affairs for the state Department of Public Instruction, on unused dollars for an initiative designed to help teacher assistants become teachers.
(EDUCATION NC, 4/11/22)

[READ TODAY'S INSIDER ONLINE](#)

TEACHER ASSISTANT TUITION REIMBURSEMENT PROGRAM

SECTION 7.44.(a) Article 17D of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-269.31. Teacher Assistant Tuition Reimbursement Grant Program.

(a) Purpose. – The Department of Public Instruction shall establish the Teacher Assistant Tuition Reimbursement Grant Program (Program). The purpose of the Program is to provide tuition assistance to part-time or full-time teacher assistants working in local school administrative units to pursue a college degree that will result in teacher licensure.

(b) Applications; Grant Priority. – Local school administrative units may apply to participate in the Program pursuant to a process to be established by the Department of Public Instruction. The application shall identify current and ongoing needs for licensed teachers and

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House Bill 259-Ratified

the expected number of eligible teacher assistants that would participate in the Program. In evaluating applications, the Department shall prioritize local school administrative units according to the following order:

- (1) Local school administrative units that received funds under the Teacher Assistant Tuition Reimbursement Pilot Program established in Section 8.29 of S.L. 2016-94, as amended by Section 7.20 of S.L. 2017-57, Section 6(m) of S.L. 2017-189, and Section 7.21 of S.L. 2018-5.
- (2) Local school administrative units located, in whole or in part, in a county with at least one local school administrative unit that received low-wealth supplemental funding in the previous fiscal year.
- (3) All other local school administrative units.

Budget Overview: Special Provisions

Adjustments to SL 2023-106 (Parents' Bill of Rights technical changes)

ADJUSTMENTS TO S.L. 2023-106

SECTION 7.81.(a) G.S. 114A-10(7), as enacted by S.L. 2023-106, reads as rewritten:

- "(7) To prohibit the creation, sharing, or storage of a biometric scan of his or her child without the parent's prior written consent, except as for information stored within the United States in any of the following circumstances:
- a. ~~authorized~~ When authorized pursuant to a court order.
 - b. ~~or~~ When otherwise required by law, including G.S. 7B-2102 and G.S. 7B-2201.
 - c. When the biometric scan occurs in a place open to the public, whether it is publicly or privately owned, in which there is no expectation of privacy.
 - d. When the scan is used solely for security or surveillance of buildings, grounds, or school transportation."

SECTION 7.81.(b) G.S. 115C-76.65(c), as enacted by S.L. 2023-106, reads as rewritten:

"(c) ~~No~~ Except for protected information surveys that are given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey, no student shall be permitted to participate in a protected information survey without the prior written or electronic consent of the parent or the adult student. A parent shall be provided notice of the opportunity to opt out of any protected information survey given as part of the Center for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey."

SECTION 7.81.(c) G.S. 115C-375.1 reads as rewritten:

"§ 115C-375.1. To provide some medical care to students.

~~It~~ Notwithstanding G.S. 90-21.10B, it is within the scope of duty of teachers, including substitute teachers, teacher assistants, student teachers, or any other public school employee when authorized by the board of education or its designee, (i) to administer any drugs or medication prescribed by a doctor upon written request of the parents, (ii) to give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the pupil, and (iii) to perform any other first aid or lifesaving techniques in which the employee has been trained in a program approved by the State Board of Education. No employee, however, shall be required to administer drugs or medication or attend lifesaving techniques programs.

Any public school employee, authorized by the board of education or its designee to act under (i), (ii), or (iii) above, shall not be liable in civil damages for any authorized act or for any omission relating to that act unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the request of or with the permission or consent of the board of education or its designee, who has been given the authority by the board of education or its designee to act under (ii) above shall not be liable in civil damages for any authorized act or for any omission relating to the act unless the act amounts to gross negligence, wanton conduct, or intentional wrongdoing.

At the commencement of each school year, but before the beginning of classes, and thereafter as circumstances require, the principal of each school shall determine which persons will participate in the medical care program."

SECTION 7.81.(d) Notwithstanding the time lines and requirements established by Section 2 of S.L. 2023-106, for the 2023-2024 school year the following shall apply:

- (1) Public school units shall provide the parent guide to student achievement required by G.S. 115C-76.30(c), as enacted by S.L. 2023-106, to parents, students, and school personnel no later than the first day of school occurring after January 1, 2024.
- (2) Governing bodies of public school units shall establish policies required by G.S. 115C-76.35, as enacted by S.L. 2023-106, that are effective no later than January 1, 2024.
- (3) Public school units shall provide the notice of health care services and means for consent to parents required by G.S. 115C-76.45(a)(1) and (a)(2), as enacted by S.L. 2023-106, no later than the first day of school occurring after January 1, 2024.
- (4) Governing bodies of public school units shall adopt the procedures and process required by G.S. 115C-76.60, as enacted by S.L. 2023-106, no later than December 15, 2023, and shall permit parents to begin using that process no later than January 1, 2024.
- (5) The State Board of Education shall adopt emergency rules to be used for parental concern hearings required by G.S. 115C-76.60, as enacted by S.L. 2023-106, conducted during the 2023-2024 school year. The State Board of Education shall receive requests for parental concern hearings beginning no later than January 30, 2024.
- (6) Public school units shall submit the report required by G.S. 115C-76.70(a), as enacted by S.L. 2023-106, beginning September 15, 2024.
- (7) The State Board of Education shall submit the report required by G.S. 115C-76.70(b), as enacted by S.L. 2023-106, beginning November 15, 2024.

Special Provisions impacting DPI/SBE

DRIVER EDUCATION ADMINISTRATION FUNDS

SECTION 7.33. G.S. 115C-215(g) reads as rewritten:

"(g) ~~The Department of Public Instruction shall have a full-time director and other professional, administrative, technical, and clerical personnel as may be necessary for the statewide administration of the driver education program.~~ Of the funds appropriated to the Department of Public Instruction each fiscal year pursuant to subsection (f) of this section, the Department may use up to two percent (2%) of those funds one hundred sixty-four thousand six hundred ninety dollars (\$164,690), as adjusted to reflect legislative salary increments, retirement rate adjustments, and health benefit adjustments, for the direct costs for the statewide administration of the program, including any necessary positions."

LIMIT DISCRETION TO WITHHOLD OR REDUCE CHARTER SCHOOL FUNDING TO REVIEW BOARD AND SUPERINTENDENT OF PUBLIC INSTRUCTION

SECTION 7.84. G.S. 115C-218.105, as amended by S.L. 2023-110, reads as rewritten:

"§ 115C-218.105. State and local funds for a charter school.

- (a) The State Board of Education shall allocate to each charter school:
- (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for children with limited English proficiency;
 - (2) An additional amount for each child attending the charter school who is a child with disabilities; and
 - (3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

Opportunity Scholarships

[SB 406 Choose Your School, Choose Your Future](#) | [Bill Summary](#)

EXPAND ELIGIBILITY FOR OPPORTUNITY SCHOLARSHIPS, REQUIRE A SEQUENCE OF COURSES FOR EARLY HIGH SCHOOL GRADUATION, AND ESTABLISH THE EARLY GRADUATE SCHOLARSHIP PROGRAM

SECTION 8A.6.(b)

- Makes all NC K-12 students eligible for opportunity scholarships, with grant amounts based on household income.
- Students would no longer need to demonstrate public school enrollment or an alternative to qualify for a grant.
- Students would be awarded a scholarship grant in the following amount
 - 100% of ADM for students with household incomes not in excess of the FRL standard.
 - 90% of ADM for students with household incomes between the FRL standard and 200% of that standard.
 - 60% of ADM for students with household incomes between 200% and 450% of the FRL standard.
 - 45% of ADM for all other students above 450%
- **§ 115C-562.5. Obligations of nonpublic schools accepting eligible students receiving scholarship grants.**
- Tests shall be administered to all eligible students enrolled in grades three and higher whose tuition and fees are paid in whole or in part with a scholarship grant.
- The nationally standardized test designated by the Authority in grades three and eight, and the ACT in grade 11.



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SECTION 8A.6.(b)

(b) The General Assembly finds that, due to the critical need in this State to provide opportunity for school choice for North Carolina students, it is imperative that the State provide an increase of funds for 15 years to the Opportunity Scholarship Grant Fund Reserve. Therefore, there is appropriated from the General Fund to the Reserve the following amounts for each fiscal year to be used for the purposes set forth in this section:

Fiscal Year	Appropriation
2017-2018	\$44,840,000
2018-2019	\$54,840,000
2019-2020	\$64,840,000
2020-2021	\$74,840,000
2021-2022	\$84,840,000
2022-2023	\$94,840,000
2023-2024	\$176,540,000
2024-2025	\$191,540,000
2025-2026	\$206,540,000 <u>\$415,540,000</u>
2026-2027	\$221,540,000 <u>\$430,540,000</u>
2027-2028	\$236,540,000 <u>\$445,540,000</u>
2028-2029	\$251,540,000 <u>\$460,540,000</u>
2029-2030	\$266,540,000 <u>\$475,540,000</u>
2030-2031	\$281,540,000 <u>\$490,540,000</u>
2031-2032	\$296,540,000 <u>\$505,540,000</u>



Opportunity Scholarships

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EXPAND ELIGIBILITY FOR OPPORTUNITY SCHOLARSHIPS, REQUIRE A SEQUENCE OF COURSES FOR EARLY HIGH SCHOOL GRADUATION, AND ESTABLISH THE EARLY GRADUATE SCHOLARSHIP PROGRAM

SECTION 8A.6.(b)

Provides students the option to complete all high school requirements within 3 years, and offer a 2-semester scholarship to students graduating within 3 years that would be equal to the amount –

- Would require the State Board to develop a sequence of courses for high school graduation for all public-school units that can be completed within three years.
- The SBE would also be required to indicate on a student's transcript if a student completes high school in 3 years.
- Public school units would be prohibited from requiring any additional credits for high school graduation.
- Would create a new scholarship for students who graduate from high school within three years as follows
 - **"Part 7. The Early Graduate Scholarship Program."**
- The scholarship could be used for any 2 semesters in the 2 academic years immediately following the student's HS graduation.
- Only those students who graduated from a public high school can qualify for this scholarship program



Opportunity Scholarships

[SB 406 Choose Your School, Choose Your Future](#) | [Bill Summary](#)

OPPORTUNITY SCHOLARSHIP FINANCIAL IMPACT REPORT/REINVESTMENT IN PUBLIC SCHOOLS SECTION 7.82.(a)

SECTION 7.82.(c) It is the intent of the General Assembly to reinvest in the public schools any savings realized by the State each year, beginning in the 2025-2026 school year, because of the transfer of a student from a public school unit to a nonpublic school where the student accepts an opportunity scholarship grant award that is less than one hundred percent (100%) of the average State per pupil allocation for average daily membership for a student in a public school unit.



Policy Update

K-12 Education Legislation

SB 193 Career Development Plans. (in the Budget w/o funding)

SB 263 (HB 336) Healthy Students – A Nurse in Every School (increase in Budget)

HB 8 Computer Science Graduation Requirement (SL 2023-132)
(Now Titled: “Various Statutory Changes”)

HB 142 Protect Our Students Act.-AB (SL 2023-128)

HB 382 Registered Nurses in Schools (not in Budget)

HB 605 School Threat Assessment Teams. (SL 2023-78, funding in Budget)



Principal Licensure

[HB 432 Principal Licensure Changes.](#) | [Bill Summary](#) | [Session Law 2023-125](#)

Requirements and Duties:

- SBE shall have entire control of licensing of all applicants
- SBE shall adopt rules for the renewal and extension of all licenses

Applicants must:

- Submit a complete application to the SBE
- Pay the applicable fee
- Attain a bachelor's degree from an accredited college or accredited university
- Complete an accredited school administrator preparation program
 - *Grandfather clause for those already approved by SBE prior to January 1, 2023*
- Have at least four years of experience as a licensed professional educator & one of the following:
 - *Possesses MSA*
 - *Possesses a Master's of Education degree in Educational Leadership*
 - *Has completed an add-on licensure program if candidate holds master's in an education-related field*
- Submit a portfolio to the SBE for approval
- Candidates are required to complete an internship that is at least **500 hours** in duration
- **Signed by Governor on September 28, 2023**



High School Athletics

~~SB 636 School Athletic Transparency.~~

SB452 DOI & Ins Law Amd/Revise HS Athletics - SL 2023-133

- Clarifying and modifying requirements for rules related to interscholastic athletics.
- Requiring the Superintendent of Public Instruction to enter into memoranda of understanding with administering organizations and oversee middle and high school athletics.
- Requiring administering organizations to meet certain requirements and restrictions related to oversight of high school interscholastic athletics.
- Make administering organizations a public body under the open meetings law.
- Require public school units to annually report on interscholastic expenses and receipts.
- Require the Superintendent of Public Instruction to study and report on various matters related to interscholastic athletics.
- Emergency Rule Making provided
- **Effective June 30, 2024**



Teacher Licensure Legislation

SB 187 Teacher Licensure Changes (HB280) – In Budget - HB259

- LIMITED TEACHER LICENSE CHANGES SECTION 7.73.(a)
- Would allow for limited licenses to be renewable

HB 824 Teacher Licensure Changes – In Budget - HB259

- Originally titled “Teacher License Reciprocity from Every State”
- OUT-OF-STATE TEACHER LICENSE RECIPROCITY SECTION 7.74.(a)



Virtual Charter Schools

HB 149 Remote & Virtual Charter/CC Pres Confirmation | In Budget – HB259

- REMOTE CHARTER ACADEMIES SECTION 7.26.(a)
- Authorizes charter schools the ability to provide remote instruction to students.
 - CSRB - “shall review and approve a charter or charter modification for the creation of a remote charter academy that meets the requirements established for a term of five years.”
- CSRB shall approve a minimum of two statewide remote charter academies
- Authorizes a one-year extension to the expiring virtual charter school pilot and provides enrollment growth.
- The CSRB would be required to evaluate the success of remote charter academies based on school performance scores and grades, retention rates, attendance rates, and for grades 9-12, high school completion and dropout rates.



Constitutional Amendment

HB 17 Elect the SBE/SPI as SBE Chair. | Bill Summary

- State Board of Education members will be elected by the voters through maps created by the General Assembly on four year overlapping terms
- State Superintendent shall be the Chair of the SBE
- Constitutional Amendment, not subject to Crossover
- **STILL HAS NOT MOVED OUT OF HOUSE RULES**



Questions?



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[K-12 Education Office of Government and Community Affairs Update](#)