



PENC Summary of 2012 North Carolina General Assembly Legislation

The 2012 Session of the North Carolina General Assembly adjourned July 3. In less than two months, lawmakers introduced and considered 459 bills, not including those bills carried over from the 2011 session

Education Reforms Central to Budget Negotiations

During the “Long Session” that occurred in 2011, lawmakers passed a biennial – two year – budget. Technically, state government can continue to operate even if no budget action is taken during the 2012 “Short Session.” That fact is a point that members of the Republican leadership knew and used in negotiations with Democrat Governor Bev Perdue, whose term in office expires upon the inauguration of the candidate elected in November of 2012. Frequently during this session, House and Senate leaders threatened to adjourn without approving any adjustments to the 2011 budget. As expected, Gov. Perdue vetoed the budget she received. Her arguments against approving the budget included insufficient funding for education, as well as objections to some of the reforms. She argued that significant education changes ought to be considered during the Long Session, not forced through during the Short Session. House and Senate Republicans mustered sufficient votes to override her objections, convincing six Democrats to join with the Republicans.

During that truly “short” session – 138 days in all – lawmakers approved major education reforms promoted by Senate Leader Phil Berger (R-Rockingham) as part of the budget. Throughout that process, PENC worked with lawmakers to amend or prevent passage of several provisions PENC members do not support; key among them, repeal of teacher tenure and merit pay. The education reforms that were passed include a reading initiative aiming to ensure that children are reading at grade level by the 3rd grade and changes to schools’ performance grades.

PENC Works with Legislative Leaders

Throughout the Short Session, PENC advocated for protections for the classroom. Those efforts were noted, as reflected in statements from President Pro Tempore Phil Berger and House Speaker Thom Tillis (R-Mecklenburg,) that follow below.

The General Assembly passed a budget that not only restored hundreds of millions of state dollars to public education but took numerous steps to achieve better results in the classroom. The improvements we made will strengthen student literacy, improve graduation rates and give parents tools to make better informed decisions about their children’s education. Our budget also includes a 1.2 percent raise for school teachers, a recognition of the crucial importance they play in student achievement. And we plan to reward the most effective educators with bonuses and merit-based pay increases.

I sincerely appreciate PENC's willingness to provide honest, constructive feedback throughout the reform process. I look forward to continuing our work together to create an education system that our parents want, our children deserve, and North Carolina needs.
– Senator Phil Berger

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The House did a lot for education during a short session that fit the definition. We put \$251 million in recurring state dollars back into education, supplanting expiring Federal EduJobs funds. We continued to provide full state funding for all classroom teachers and teaching assistants. Finally, we included the first pay raises for teachers and state employees since 2008. All the while, we worked with PENC to understand how educators will be affected by legislative actions. We always appreciate the informed and reasoned information the association provides and look forward to maintaining that positive working relationship. – Speaker Thom Tillis

The Mysterious Near Future

Eleven Senators and 38 House members announced their retirement prior to the 2012 General Election. Following the 2012 elections, at least 28 of 50 Senators and 67 of 120 House members will have served for one term or less. That means that more than half – 56 percent – of both chambers will be comprised of members who have served for two years or fewer in the General Assembly. A report by the NC Free Enterprise Foundation states that the General Assembly will lose almost 500 years of legislative experience due to retirements.

Similarly, the next occupant of the Governor's Mansion will either be someone with no legislative experience or someone with a lot of legislative experience. Of the two major party candidates, one is a relative newcomer – Republican Pat McCrory, the former Mayor of Charlotte. The other is Democrat Walter Dalton, the current Lieutenant Governor and a 12-year veteran of the North Carolina General Assembly. Further information on these and other candidates running in the 2012 election in North Carolina will be provided in a special Election Edition of The Voice. Look for it in your home mailbox this fall.

All of these changes in the Legislative and Executive Branches of North Carolina government have bearing upon the political environment within and, most importantly, upon the policies generated by the House and Senate Chambers in the North Carolina General Assembly of 2013.

PENC Continues to Advocate for Educators

Regardless of what political party holds control over the Governor's Mansion or the Legislative Building, PENC continues to advocate for education and educator policy to benefit all North Carolina children and educators. The new members of the General Assembly will present us with an opportunity to make new friends and to continue to advocate on your behalf. The leadership in Raleigh in 2011 regularly sought out PENC for advice, opinions and recommendations on legislation, and invited us to serve on commissions. Sometimes, leaders took that advice and sometimes they agreed to disagree with PENC. But in all cases, PENC was made to feel welcome and was treated with respect. House Education Committee Leaders Bryan Holloway, (R-Stokes) and Hugh Blackwell (R-Burke) along with Senate Education Committee Leader Jerry Tillman (R-Randolph) always made a point to seek out PENC for constructive input on legislation. Without these advocacy opportunities, PENC members' views would not be advanced.

Budget Bills of Interest

HB950, MODIFY 2011 APPROPRIATIONS ACT

An Act to Modify the Current Operations and Capital Improvements Appropriations Act of 2011 and for Other Purposes.

07/02/2012 – H Veto Overridden: S Veto Overridden.

07/02/2012 – Chaptered Session Law 2012-142.

Web links: <http://ncleg.net/Sessions/2011/Bills/House/PDF/H950v7.pdf>

Money report:

[http://ncleg.net/sessions/2011/budget/2012/Conference Committee Report 2012-06-20.pdf](http://ncleg.net/sessions/2011/budget/2012/Conference_Committee_Report_2012-06-20.pdf)

Teacher/Administrator Salary Schedules:

<http://www.ncpublicschools.org/docs/fbs/finance/salary/schedules/2012-13schedules.pdf>

SB187, MODIFICATIONS/2012 APPROPRIATIONS ACT

An Act to Make Technical, Clarifying, and Other Modifications to the Current Operations and Capital Improvements Appropriations Acts.

07/10/2012 – Chaptered Session Law 2012-145

Web link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=s187&submitButton=Go>

Discussion of Budget Bills

House and Senate Conferees on **H950, Modify 2011 Appropriations Act**, issued a conference report June 20. Lawmakers accepted the work of the conferees almost immediately – June 21 – and by margins that would override a gubernatorial veto. Gov. Perdue vetoed the bill on June 30 and the General Assembly overrode her action on July 2.

PENC considered the results of **H950, Modify 2011 Appropriations Act**, a mixed bag. PENC is grateful that teachers and state employees will receive a modest 1.2 percent salary increase, the first in more than four years, and retirees will receive a 1 percent cost of living increase. The salary increase option was preferable to the first proposal to provide teachers and state employees with a one-time \$250 bonus, which would not have been added to the salary schedule. On the other hand, PENC's first legislative priority was the protection of teacher and teaching assistant jobs by addressing, as much as possible, LEAs' negative reserves. The conference report included \$143.3 million to reduce the negative reserve. LEAs are concerned that the lack of funds to make up the expiring federal EduJobs grant puts as many as 4,000 teaching jobs at risk. The final budget approved does not provide funds to make up for the loss of the federal money and PENC is concerned that school personnel layoffs will be the consequence. PENC hopes that LEAs will use management flexibility as much as possible to ensure that no teacher is laid off due to this funding issue.

The final budget included many of Sen. Berger's education reforms from **S795, Excellent Public Schools Act**. The reforms include:

- Beginning of merit pay possibilities – LEAs may allocate merit increases beginning in 2013 (see section 7A.10(a) of the conference report for **H950**)
- Provisions to improve K-3 student literacy, corresponding assessments and \$27 million in related funding
- Repeal of social promotion
- Changes to school performance grades from the current system to letter grades
- Funding for the additional five additional instruction days added in 2011

- Creation of a North Carolina Teacher Corps. Funding to restore the NC Teaching Fellows program was NOT included and state support for the program will expire when the last participant graduates from the program.

PENC advocated for a tax credit for teachers' out of pocket expenses for supplies and equipment, up to \$250 per year, matching the federal deduction that ended this year. Although it was NOT included in the final version in **H950**, it *was* included in **H1015**, which is described in the list of bills below.

Several provisions – which PENC opposed – were NOT included in the final budget or in other legislation. Those provisions included elimination or amendment of teacher tenure, mandatory merit pay and performance pay. PENC expects those issues to be revisited during the 2013-2014 Session of the North Carolina General Assembly.

The bill referred to as Budget Technical Corrections, **S187**, included provisions that affect education, including the following:

- Section 2.1 provides Department of Public Instruction authority to hire 11 staff persons to administer the literacy initiative, described above and in Section 7A.1 of **H950**.
- Section 2.4.(a1), provides LEAs direction on how to use salary allotments related to the negative reserves to ensure sufficient funding to prevent layoffs.
- Section 2.5 addresses changes to the school calendar to clarify that the calendar shall cover 185 instructional days *or* 1,025 instructional hours. The provision strikes the State Board of Education's ability to waive the 5 days for use as teacher workdays.
- Section 2.5 further clarifies that the first day of the school year will be the Monday closest to August 26 and the last day will be no later than the Friday closest to June 11. The State Board of Education can waive the start for LEAs with historical weather or energy related issues. If waived, the start date change can be no earlier than the Monday closest to August 19.
- Section 25.5 provides that all state employees and teachers who were employed as of July 1, 2012 receive a bonus of five days of annual leave. To view a Q and A on the Special Annual Leave Bonus, visit:
http://pencweb.org/associations/4811/files/Special%20Annual%20Leave%20Bonus%20QAv3%20_2_.pdf

Legislators appreciate your feedback, but remember the following five points:

- Communicate from your personal email address. Do not communicate during the school day, even if it is during a planning period.
- Be succinct. Don't send an epistle.
- Never send a letter, email, text or any other communication when you're angry, or in any other state than calm.
- Please be respectful. Never use foul language, and check your spelling and grammar. You're an educator, after all – represent the profession well.
- Please send a communication you would want to receive.

Bills Enacted During the 2012 Session

HB153, NO PUBLIC RETIREMENT FOR CONVICTED FELONS

An Act to Prohibit a Person Who Has Been Convicted of a Felony Related to Employment or Holding Office from Receiving Retirement Benefits from the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, the Optional Retirement Program

for the University of North Carolina, the Optional Retirement Program for State-Funded Community Colleges, the Supplemental Retirement Income Plan for State Law-Enforcement Officers, and the Supplemental Retirement Income Plan for Local Governmental Law-Enforcement Officers.

07/17/2012 – Chaptered Session Law 2012-193

Web link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h153&submitButton=Go>

HB837, COMPLETION OF CPR BY STUDENTS REQUIRED

An Act to Make Successful Completion of Instruction in Cpr Available to All Students with a Plan to Phase in Completion of Cpr Instruction as a High School Graduation Requirement by 2015.

07/26/2012 – Chaptered Session Law 2012-197

Web link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h837&submitButton=Go>

HB964, NORTH CAROLINA LONGITUDINAL DATA SYSTEM

An Act to Create the North Carolina Longitudinal Data System and Governing Board; and to Provide that Private Colleges and Universities, Nonpublic Schools, and the North Carolina Independent Colleges and Universities are not Liable for a Breach of Confidentiality Caused by the Act or Omission of a State Agency, Local School Administrative Unit, Community College, or Constituent Institution of the University of North Carolina.

06/29/2012 – Chaptered Session Law 2012-133

Web link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h964&submitButton=Go>

HB966, TEACHER PREPAYMENT AND SALARY/PRE-K ELIGIBILITY

An Act to Repeal the Prohibition on Teacher Prepayment, Clarify Eligibility for the NC Pre-K Program, and Enact 2012-2013 Salary Schedules for Teachers and School Administrators.

06/11/2012 – Chaptered Session Law 2012-13

Web link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h966&submitButton=Go>

HB1015, ECONOMIC DEVELOPMENT AND FINANCE CHANGES

An Act to Set the Regulatory Fees, to Continue the Individual Income Tax Deduction for Educator Expenses, and to Enhance Economic Development.

06/26/2012 – Chaptered Session Law 2012-74

Web link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=H1015&submitButton=Go>

HB1085, STATE HEALTH PLAN/STATUTORY CHANGES.-AB

An Act To, for the State Health Plan for Teachers and State Employees, Which Covers Retirees Within the Retirement System, (1) Amend the Definition of "Dependent Child" in Order to Comply with the Affordable Care Act, (2) Limit Enrollment Without a Qualifying Event to the Annual Enrollment Period, (3) Repeal the Optional Program of Long-Term Care Benefits, and (4) Make a Clarifying Change Related to Coinsurance.

07-12-2012 – Chaptered Session Law 2012-173

Web Link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h1085&submitButton=Go>

SB227, SCHOOL BUS CRASH REPORTS NAME DISCLOSURE

An Act to Provide that the Name and Address of a Minor Child Involved in a School Bus Crash May be Disclosed Only in Certain Circumstances.

07/12/2012 – Chaptered Session Law 2012-147

Web link:

<http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=s227&submitButton=Go>

SB707, SCHOOL VIOLENCE PREVENTION ACT

An Act to Enact the School Violence Prevention Act of 2012; Limit Prayers for Judgment Continued; and End Sunset for a Provision Regarding an Lea's Basis of Knowledge About a Child with a Disability.

07/12/2012 – Chaptered Session Law 2012-149

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=s707&submitButton=Go>

SB724, AN ACT TO IMPROVE PUBLIC EDUCATION

An Act to Implement Various Education Reforms.

06/26/2012 – Chaptered Session Law 2012-77

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=s724&submitButton=Go>

SB755, ED. EMPLOYEES ASS'N./EQUAL ACCESS ACT

An Act to Enact the Equal Access Act.

07/12/2012 – Chaptered Session Law 2012-179

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=s755&submitButton=Go>

SB803, RETIREMENT ADMINISTRATIVE CHANGES

An Act to Make Changes to Administration of the State Retirement Systems.

07/12/2012 – Chaptered Session Law 2012-178

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=s803&submitButton=Go>

SB804, RETIREMENT TECHNICAL CHANGES

An Act to Make Technical and Conforming Changes to Statutes Affecting the State Retirement Systems.

06/29/2012 – Chaptered Session Law 2012-130

Web Link: <http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=S804>

Bills Not Acted Upon During the 2012 Session

SB871, RESTORE FUNDING FOR TEACHING FELLOWS PROGRAM

An Act to Restore Funding for the Teaching Fellows Program.

05/23/2012 – Senate Committee On Rules and Operations of the Senate

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=s871&submitButton=Go>

SB423, EDUC. OVERSIGHT COMM. STUDY OF TEACHER TENURE

An Act Directing the Joint Legislative Education Oversight Committee to Study the Teacher Tenure Law.

06/20/2012 – House Committee On Education

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=s423&submitButton=Go>

SB795, EXCELLENT PUBLIC SCHOOLS ACT

An Act to Make Changes to Improve K-3 Literacy; Provide Literacy Volunteer Leave Time; Assign School Performance Grades; Maximize Instructional Time; Adjust School Calendar; Fund Five

Additional Instructional Days Within the Existing School Calendar; Establish an NC Teacher Corps; Strengthen Teacher Licensure Requirements; Provide Proof of State-Funded Liability Insurance; Establish Plans for Pay for Excellence; Clarify NC Pre-K Program Eligibility and Add Slots; Repeal Prohibition on Teacher Prepayment; Provide a Tax Deduction for Educational Supplies; and Establish Teacher Contracts.

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=s795&submitButton=Go>

HB946, RESTORE FUNDING FOR TEACHING FELLOWS PROGRAM

An Act to Restore Funding for the Teaching Fellows Program.

05/17/2012 – House Committee On Appropriations

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=H+946&submitButton=Go>

Discussion

Many of the provisions addressed in **S795** were included in **H950, Modify 2011 Appropriations Act**. Please see the discussion of **H 950** above.

HB965, BROADEN SUCCESSFUL AP PARTICIPATION

An Act to Broaden Successful Participation by Students in Advanced Placement to Help Eliminate Achievement and Access Gaps and to Create Performance Incentives for Schools and Teachers for Student Excellence in Advanced Placement, as Recommended by the House Select Committee on Education Reform.

05/23/2012 – House Committee On Appropriations Subcommittee on Education

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=h965&submitButton=Go>

HB984, RESTORE FUNDING FOR NCCAT

An Act to Restore Funding for the North Carolina Center for the Advancement of Teaching.

05/17/2012 – House Committee On Appropriations

Web link:

<http://ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=h984&submitButton=Go>



What do you think?

Please share your thoughts and ideas with us. Please contact us at communications@pencweb.org.

Submitted by Evelyn Hawthorne

For more information about the North Carolina General Assembly, please visit <http://www.ncleg.net/>.

To identify and contact your legislator, please visit:

<http://www.ncleg.net/GIS/RandR07/Representation.html>.

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