

# PENC Summary of 2013 North Carolina General Assembly Legislation

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## A Look At the Bumpy Ride that Was the NC Legislative Session of '13

The 2013 Session of the North Carolina General Assembly was historic. It was the first time since 1868 that a Republican Governor worked with a Legislature also run by Republicans. Back in 1868, the Republicans presided over the volatile time of Post-Civil War Reconstruction. This time, the Republican Majority – with veto-proof margins in both chambers -- also presided over a time of volatility, but one that was attributable to a slow recovery from economic recession and the usual disagreements between opposing political parties.

But other reasons behind the Session's volatility included the political differences between factions *within their own party* and the politicians' own ambitions. During the Session, House Speaker Thom Tillis (R-Mecklenburg) announced that he would be a candidate for the U.S. Senate seat occupied by Kay Hagan (D-Guilford). Rumors circulated for months that Senate Leader Phil Berger (R-Rockingham) would also be a candidate. The consequences of all of this were major changes in education, tax and other policies that were driven through both bodies as a political juggernaut quashed debate, ignored opposing ideas and disregarded Gov. Pat McCrory.

In all, 1751 bills and resolutions were introduced by lawmakers during the 2013 Session – 1,024 in the House and 727 bills in the Senate. Of those, 418 are now recorded as Session laws. Lawmakers overrode both of Gov. McCrory's vetoes September 3 and 4.

## Education Reforms Railroaded Through Senate, House

As was predicted in the Winter Edition of *The Voice*, the 2013 Session was a bumpy ride for educators and education policy. All of the issues we mentioned in that article were raised and changed. Both the Senate and the House held debates on items such as the repeal of tenure, elimination of Master's Degree Supplements, school vouchers (tagged as *opportunity scholarships*), merit pay, school grades, teacher evaluations, and other items. Those debates were, in many cases, limited. The end result was that all of those items upon which PENC worked hard, with members' assistance, to amend or defeat, were rolled into **S402, Appropriations Act of 2013**, forcing an up or down vote on those changes along with the rest of North Carolina's budget. Of course, all of those provisions were included **without any salary increase for teachers or state employees**. A lengthier explanation about education policies in the budget bill follows in the discussion of **S402**.

One item of significant importance and a priority item on PENC's legislative agenda was the school safety package built in a bipartisan way by Representatives Bryan Holloway (R-Stokes) and Rick Glazier (D-Cumberland). Those provisions will make available important resources for safer schools at all grade levels. Nothing can completely prevent a crime that compromises children's safety, but these measures will do much to help school communities address new threats that have emerged. PENC is grateful that these provisions were included in what was otherwise a bleak year for educators and public schools.

## PENC Advocates with Members for Members

The difficult environment within which PENC lobbies for educators is fraught with obstacles. Some of those obstacles are attributable not as much to partisanship but to lack of experience in education or pent-up frustrations with the status quo. There is currently only one active classroom teacher and fewer than 10 former teachers serving in the General Assembly. Most of the changes that were implemented were lifted nearly entirely from reforms put in states with entirely different environments and track records than those here in North Carolina.

Florida was often cited as the incubator for reforms. But Florida is different than North Carolina in many ways. Florida does not fund its schools as does North Carolina. Florida is not dealing with a *Leandro* –type funding problem. Florida’s schools were in different and in more dire straits than North Carolina’s as regards student performance and proficiency. Now, there is sufficient data to evaluate the results of Florida’s reforms and the reviews are mixed, especially as they relate to testing, grade retention and teacher evaluations. The reforms implemented there were implemented during a time of economic growth. Implementing merit pay is easier in an environment where teachers continue to earn cost of living increases than in a place where teachers have gone without meaningful salary increases in *six years*. But, in the minds of a majority of lawmakers in Raleigh, what’s good for Florida is good for North Carolina. PENC disagreed and pleaded with lawmakers to consider what they were about to do. PENC will continue to work with lawmakers to point out what is good about North Carolina’s education tradition and to encourage reconsideration of many of the changes, particularly those that could have adverse consequences on students.

PENC members responded to calls for help in communicating with legislators. Especially toward the end of session, PENC put out several calls for help with the budget vote and to convey concerns to Gov. McCrory. While those efforts did not turn around the budget vote, several legislators voted against the budget because of the concerns raised by teachers, including Rep. Linda Johnson (R-Cabarrus), an Appropriations Co-Chairperson in the House. She expressed concerns about what the budget would do to education and courageously voted against her own party with her “no” vote on the budget. Although Gov. McCrory did not veto the budget as we asked, the more than six thousand emails and letters we sent has caused him to rethink his position on several education measures – including Master’s Supplements. Gov. McCrory invited PENC members to serve in an advisory capacity on education. So, our contacts are making a difference slowly, but surely.

Thank you for your response to our calls for help. Most importantly, thank you for what you do every day in the classroom for all of North Carolina’s children!

## Budget

Bill: **SB402**, APPROPRIATIONS ACT OF 2013 (Session Law 2013-360)

Links [Bill Text](#), [Money Report](#)

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

Bill: **H112**, Modifications/2013 Appropriations Act (Session Law 2013-363)

Links [Bill Text](#)

Summary: An Act to Make Technical, Clarifying, and other Modifications to the Current Operations and Capital Improvements Appropriations Act of 2013 and Related Legislation.

## Discussion

The bills that addressed state spending not only changed education spending, but also made sweeping education policy reforms that will take years to implement, if unchallenged. No salary increase was provided for teachers or state employees, but a reserve was set aside for a 1.25 percent raise for both groups in 2014. Education policy and spending modifications include the provisions below:

- Beginning in 2014, new Master's degree salary supplements will end, except for school personnel whose job description requires a Master's degree. The annual savings garnered from this change is \$18.7 million. When considered as a part of the total salary and benefits paid to teachers, it is a small percentage of that outlay. See p. 69 of **S402** and p. F4 of the Money Report.
- Expansion of the Excellent Public Schools Act of last year, p. 92, including:
  - Changes to teacher licensure, qualifications and fees, p. 93.
  - Modification to School Performance Grades, including some accounting for school growth in the overall score, p. 98.
  - Other significant changes to teacher contracts and firing is included as part of the tenure repeal, p. 102.
- The Teaching Fellows program was not restored but replaced instead with a new program, Teacher Corps, spearheaded by Teach For America, p. 67.
- LEA budget flexibility, including lifts on class size caps, p. 63. The class size caps were scaled back a bit in **H112**, see p. 3 of that bill. Click here for clarification regarding these changes.
- Imposition of a systematic review of the NC Center for the Advancement of Teaching, p. 61. This is a compromise as NCCAT was slated to be eliminated.
- Funding of \$1.5 million in 2013 and more than \$12.3 million in 2014 to broaden participation in Advanced Placement Courses and testing, p. 70.
- Funding for ACT assessments – \$7.5 million in 2013 and \$7.5 million in 2014, p. F3.
- Funding to increase participation in Career and Technical Education, p. 72.
- Opportunity scholarships, which are essentially vouchers of \$4200 per qualifying student, to be used at private schools, p. 73. Funding is set at \$10 million to start, with the expression of intent to expand the program
- Establishment of a Task Force to study teacher and school administrator compensation (PENC is a member of this Task Force), p. 78.
- Establishment of an Education and Workforce Innovation Commission, enabling businesses to have more of a role in steering education policy, p. 80.
- School Safety initiative and funding of \$9 million, including funds for panic buttons, crisis kits, additional school resource officers in more schools, clarification of the role of school psychologists and counselors, school safety planning and exercises. **PENC supported this major initiative, p. 83.**

## Money Report Items

The following education items were addressed in the Money Report that supplements the text of **S402**:

- Cuts in state funds to school districts for classroom teachers of more than \$286 million in 2013 and almost \$246 million in 2014. Adjustments are explained as realigning the funding according to how LEAs spent allotments during the previous two years.
- Cuts in state funds for instructional personnel of almost \$17 million in 2013 and more than \$17 million in 2014. The rationale is that these amounts more accurately reflect how LEAs used this allotment during the previous two years. In addition, cuts of almost \$7 million in 2013 and another \$7 million in 2014 from the instructional supplies line item are taken under the same rationale, p. F2 and F3.
- Cuts in funding for teaching assistants by 21% in 2013 and 19% in 2014 and allocates funding on the basis of student headcount in grades K-3. The cut amounts to \$110 million in each year and an additional \$10 million in 2013, p. F4.

- Sets aside \$10.2 million in 2014 to begin a Merit Pay initiative for teachers, p. F6.

## Salary and Benefits

Bill: **HB232**, STATE HEALTH PLAN/STATUTORY CHANGES (Session Law 2013-324)

Link: [Bill Text](#)

Summary: An Act to Make Technical and Other Changes to the State Health Plan for Teachers and State Employees Statutes, as Requested by the State Health Plan.

### *Discussion*

As the title states, the bill makes technical and conforming changes to the State Health Plan.

Bill: **HB249**, SUBSTITUTE TEACHER DEDUCTION/PERSONAL LEAVE (Session Law 2013-240)

Link: [Bill Text](#)

Summary: An Act to Require Local School Administrative Units to Refund the Substitute Deduction to a Teacher Taking Personal Leave If No Substitute is Hired for that Teacher.

### *Discussion*

As the title states, the bill requires a school unit to refund the deduction taken from a teacher's salary to hire a substitute teacher when the teacher takes personal leave if no substitute is hired for that teacher for the period of time covered by the personal leave. The provision became effective at the start of the 2013 school year. PENC requested legislation that repealed the deduction entirely. This was compromise legislation.

Bill: **HB357**, RETIREMENT GOVERNANCE CHANGES ACT OF 2013 (Session Law 2013-287)

Link: [Bill Text](#)

Summary: An Act to Increase Citizen Oversight and to Make Other Consolidations and Improvements in the Governance of the State Retirement Systems, and to Improve Transparency by Ensuring that All Retirement Plans Administered by the Department of State Treasurer are Overseen by a Board of Trustees.

### *Discussion*

As the title state, the provisions of **H357** make changes to the governance structure of the Teachers and State Employees' Retirement System.

Bill: **HB358**, RETIREMENT TECHNICAL CORRECTIONS (Session Law 2013-288)

Link: [Bill Text](#)

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

### *Discussion*

The provisions make technical changes to all of the retirement systems operated by the State of North Carolina, including those serving teachers, state employees, the UNC System Optional Retirement System, law enforcement and the judiciary.

Bill: **HB767**, CORPORAL PRUITT RAINEY BRASS TO CLASS ACT (Session Law 2013-268)

Link: [Bill Text](#)

Summary: An Act Enacting the Corporal Pruitt Rainey Brass to Class Act, Which Directs the State Board of Education to Establish Rules for Awarding Credit for Prior Work Experience Given to Certain Veterans for the Purpose of Placing Them on State Salary Schedules.

### *Discussion*

The bill requires the State Board of Education (SBE) to establish rules for awarding credit for salary purposes to principals, assistant principals, and teachers who served in the US Armed Forces and who have retired or who have received an Honorable Discharge. The SBE is to award one full year of experience credit for each two years of full-time relevant non-teaching work experience completed while on active military duty in the US Armed Forces and before earning a bachelor's degree. The provisions further specify that the SBE is to award one full year of experience credit for every two years of full-time instructional or leadership training while on active military duty in the Armed Forces, regardless of the academic degree held while participating in the training. The bill also requires the SBE report to the Joint Legislative Education Oversight Committee by December 1, 2013, on the rules. The provisions apply to military veterans employed by local school administrative units in the 2014-15 school year and beyond.

## **Charter Schools**

Bill: **HB250**, CHARTER SCHOOL ENROLLMENT & CHARTER REVISIONS (Session Law 2013-359)

Link: [Bill Text](#)

Summary: An Act to Provide for Enrollment Priority and Procedures for Certain Students Applying to Charter Schools and to Make Changes as to What Qualifies as a Material Revision to a Charter Application.

### *Discussion*

The bill amends enrollment priority for students admitted to a charter school. It also clarifies that adding grades or expanding enrollment within certain limitations does not constitute material changes to the school's charter, triggering a review of the charter school by SBE.

Bill: **SB337**, NC CHARTER SCHOOL ADVISORY BOARD (Session Law 2013-355)

Link: [Bill Text](#)

Summary: An Act to Create the North Carolina Charter Schools Advisory Board and Make Other Changes to Charter School Laws.

### *Discussion*

This controversial bill went through much iteration, but eventually reverted to a version closest to the original version of the bill. The provisions create the 11 member North Carolina Public Charter Schools Board (Charter Board), located in the Department of Public Instruction but exercising its powers and duties independently of the State Board of Education and Department of Public Instruction. The Charter Board will review applications and decide about the awarding of public charters to applicants; however, the State Board of Education does maintain veto authority over Charter Board decisions within 45 days of the Charter Board's action. The provisions also set the types of schools that may apply for a charter and allows only nonprofit entities to submit applications. The provisions mandate that 50 percent of the teachers employed in a charter school be licensed teachers and that all teachers of science, mathematics, language arts and social studies be college graduates. Charter schools that operate in LEAs that require criminal background checks must also conduct such checks of their applicants, mirroring the LEAs policy. Most of the provisions became effective upon enactment on July 25, 2013 or on August 1, 2013.

## Education Policy

Bill: **HB23**, DIGITAL LEARNING COMPETENCIES/SCHOOL EMP'EEES (Session Law 2013-11)  
Link: [Bill Text](#)  
Summary: An Act Directing the State Board of Education to Develop and Implement Digital Teaching and Learning Standards for Teachers and School Administrators.

### *Discussion*

The provisions direct the State Board of Education and the UNC Board of Governors to require students in teacher preparation programs to demonstrate digital teaching and learning competencies. The bill also makes organizational changes to clarify licensure standards and teacher education programs. It also requires similar competencies for lateral entry teachers and students in school administration preparation programs. Most provisions become effective July 1, 2017, and are applicable to the 2017-18 school year.

Bill: **HB44**, TRANSITION TO DIGITAL LEARNING IN SCHOOLS (Session Law 2013-12)  
Link: [Bill Text](#)  
Summary: An Act Stating the Intent of the General Assembly to Transition from Funding Textbooks to Funding Digital Learning in the Public Schools, as Recommended by the Legislative Research Commission Study Committee on Digital Learning Environments in Public Schools .

### *Discussion*

As the title indicates, the bill merely expresses the intent of the North Carolina General Assembly to move away from providing funding for traditional textbooks and move toward providing funds for digital learning resources.

Bill: **HB146**, BACK TO BASICS (Session Law 2013-71)  
Link: [Bill Text](#)  
Summary: An Act to Require the State Board of Education to Ensure Instruction in Cursive Writing and Memorization of Multiplication Tables as a Part of the Basic Education Program.

### *Discussion*

As the title indicates, **H146** requires the State Board of Education to require ensure instruction in cursive writing and the memorization of multiplication tables. The provisions became effective June 12, 2013.

Bill: **HB269**, CHILDREN W/DISABILITIES SCHOLARSHIP GRANTS (Session Law 2013-364)  
Link: [Bill Text](#)  
Summary: An Act to Create Special Education Scholarship Grants for Children with Disabilities.

### *Discussion*

The bill repeals provisions enacted two years ago that set up education expenses tax credits for parents of children with disabilities who withdraw children from public school and send them to private school and replaces that with a Special Education Scholarship Grant program for qualifying families. To receive reimbursement for tuition and special education and related services: (1) parents must provide documentation that the student was enrolled in a nonpublic school for no less than 75 days of the semester for which the parents seek reimbursement, (2) parents may only receive reimbursement for related services provided to home-schooled students if they provide documentation that the student received related services for no less than 75 days of the semester for which the parents are seeking reimbursement. The bill also requires parents to

submit confirming documentation, including receipts, at the end of each school semester to demonstrate the costs incurred during the semester. The program will work through the State Education Assistance Authority.

Bill: **HB317**, IMPROVE ED. FOR CHILDREN WHO ARE DEAF (Session Law 2013-119)

Link: [Bill Text](#)

Summary: An Act to Improve Educational Outcomes for North Carolina Children Who are Deaf or Hard of Hearing.

### *Discussion*

The bill requires the State Board of Education to do at least the following to improve educational outcomes for children who are deaf or hard of hearing: (1) develop assessment procedures and protocols to measure, at least annually or more frequently if required in a child's Individualized Education Program (IEP), the acquisition of language skills necessary for literacy, with the results used to determine whether further support and services are needed,(2) require an IEP team to use the specified worksheet to document consideration of the language and communication needs of the child as the IEP is developed, the placement decisions made for the child, and the team's review of the child's placement and needs, (3) ensure that personnel highly qualified in the education of children who are deaf or hard of hearing are available to meet the needs of each child, and (4) develop and implement strategies to ensure that parents of a child who is deaf or hard of hearing know they can request that the child's IEP team consider placement in a residential setting, and that if requested, a representative from one of the state's residential/day program schools for the deaf will be a member of the IEP team.

The bill also requires the Department of Health and Human Services and other agencies and organizations, at the request of the Department of Public Instruction (DPI), to make available databases containing information on children under age 22 who are deaf or hard of hearing. It also requires that DPI use the information for a statewide data tracking system to coordinate with other agencies and organizations and ensure literacy achievement for all children who are deaf or hard of hearing. The provisions became effective June 19, 2013.

Bill: **HB587**, ALTERNATE ACT/PLAN FOR CERTAIN STUDENTS (Session Law 2013-208)

Link: [Bill Text](#)

Summary: An Act to Require an Alternate Act and Plan Precursor Test for Certain Students.

### *Discussion*

As the title indicates, **H587** requires the State Board of Education to require administration of the alternate ACT test or alternate PLAN precursor test to the ACT to a student who meets each of the following: (1) exhibits severe and pervasive delays in all areas of conceptual, linguistic, and academic development and in adaptive behaviors, (2) is following the extended content standards of the Standard Course of Study or is following a course of study that may not lead to admission into a college level course of study resulting in a college degree, and (3) has a written parental request for an alternative assessment. The provisions require the State Board of Education to ensure that parents of students enrolled in all public schools have the information they need to make decisions regarding participating in the ACT and the PLAN precursor test. They also require that alternate assessment and ACT assessment results of students with disabilities be included in school accountability.

The State Board of Education is directed to develop an alternate assessment to measure career and college readiness for students not required to take the ACT or PLAN. Pilot testing for the alternate ACT assessment is to occur simultaneously with the ACT administration during the 2013-14 school year and the PLAN assessment with the PLAN administration during the 2014-15 school year. The provisions became law on June 26, 2013.

Bill: **HB591**, REPORTING AND TERMS FOR LONG. DATA BOARD (Session Law 2013-80)

Link: [Bill Text](#)

Summary: An Act to Specify the Term of Office for Appointed Members of the North Carolina

Longitudinal Data System Board, to Make the State Information Officer Chair of the North Carolina Longitudinal Data System Board, to Specify the Times for Meeting of the North Carolina Longitudinal Data System Board, and to Require Quarterly Reporting of Progress on the North Carolina Longitudinal Data System.

### *Discussion*

As the title indicates, the provisions address the terms of the members of the Longitudinal Data System Board and other organization issues that affect the Board.

Bill: **SB14**, INCREASE ACCESS TO CAREER/TECHNICAL ED (Session Law 2013-1)

Link: [Bill Text](#)

Summary: An Act to Direct the State Board of Education to Develop Career and College Endorsements for High School Diplomas, Increase Access to Career and Technical Education Teachers in Public Schools, and to Work with the State Board of Community Colleges to Increase the Number of Students Enrolling in Career and Technical Education in High Need Employment Areas.

### *Discussion*

The bill requires the State Board of Education to make endorsements for career and college on high school diplomas available to students who graduate from high school beginning with the 2014-15 school year. The bill specifies that the SBE identify local school administrative units with unmet recruitment needs for career and technical education teachers. Additionally, the provisions direct the SBE to increase accessibility to the licensure process for career and technical education teachers while maintaining quality of instruction, to develop strategies to increase the number of students engaging in career and technical education, and to increase the enrollment of students in coursework leading to skills in occupations that have a high number of employment opportunities. The provisions direct the SBE to report annually on the impact of awarding the career and college endorsements on high school graduation, college acceptance and remediation, and post high school employment rates beginning September 1, 2016.

Bill: **SB132**, HEALTH CURRICULUM/PRETERM BIRTH (Session Law 2013-307)

Link: [Bill Text](#)

Summary: An Act to Include Instruction in the School Health Education Program on the Preventable Causes of Preterm Birth, Including Induced Abortion as a Cause of Preterm Birth in Subsequent Pregnancies, and to Provide Such Information to Charter, Nonpublic, and Home School Students.

### *Discussion*

The bill requires each local school administrative unit to provide a reproductive health and safety education program commencing in the seventh grade that also includes teaching about the preventable risks of preterm deliveries, including induced abortion as increasing the risk of preterm birth in subsequent pregnancies. It also expands upon the activities that students are taught are preventable risks of preterm birth in subsequent pregnancies include smoking, drinking alcohol, using illicit drugs, and inadequate prenatal care. The provisions apply beginning with the 2013-14 school year. The provisions require that information also be given to charter school students, private church school or religious charter school students, nonpublic school students and home school students.

Bill: **SB189**, AMEND LAW DEFINING HOME SCHOOLS (Session Law 2013-57)

Link: [Bill Text](#)

Summary: An Act to Amend the Law Defining Home Schools.

**Discussion**

The bill clarifies that the parents, legal guardians, or members of either household of the children in the home school are authorized to determine the scope and sequence of academic instruction and to determine additional sources of academic instruction. The provisions became effective on May 30, 2013 and apply beginning with the 2013-14 school year.

Bill: **SB168, CLARIFY EDUCATION REPORTING REQUIREMENTS (Session Law 2013-226)**

Link: [Bill Text](#)

Summary: An Act to Eliminate Unnecessary Reports and Clarify Current Education Program Requirements.

**Discussion**

As the title indicates, **S168** eliminates several education reporting requirements and modifies others. Reports eliminated include the following:

- Disadvantaged Student Supplemental Funding Initiatives Report
- State Board Report of Personal Education Plans
- Teacher Mentoring
- Professional Development Programs for Public School Employees
- Child Nutrition State Standards
- Employee Security Commission

The bill also directs the State Board of Education to consult with the UNC Board of Governors to evaluate and develop enhanced requirements for continuing licensure for teachers. The SBE is also directed to work with master’s degree programs in education and school administration to submit annual performance reports. The bill also addresses lateral entry programs for teachers and directs the SBE and the UNC Board to require students preparing to become teachers to demonstrate competencies in digital and other instructional technologies. Most of the provisions became law on July 3, 2013. The provisions addressing changes to teacher preparation do not become effective until July 1, 2017.



**What do you think?**

Please share your thoughts and ideas with us. Please contact us at [communications@pencweb.org](mailto:communications@pencweb.org).

Submitted by Evelyn Hawthorne

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

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<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](mailto:lobbyist@pencweb.org)