

# 2017 PENC Legislative Summary

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PENC was pleased to have its voice heard in the 2017-2018 biennium session. PENC advocated for increases in base teacher pay at all levels and this was accomplished. Teachers are looking at their most significant average pay raises in years and PENC was proud to be a part of the budget process which will deliver these increases over the next 2 years. In addition, PENC has been committed to quality school leadership and this year's budget addressed much needed reform in Principal and Assistant Principal pay.

However, there are major concerns that will necessitate our continued vigilance and advocacy in future legislative sessions. For example, PENC is concerned with changes made to the NC Teacher retirement system whereby teachers beginning service in 2021 and beyond will no longer be eligible for healthcare retirement benefits. Please note that this does not impact current teachers, but PENC is aware that such a cut in future benefits will negatively impact ongoing teacher recruitment in North Carolina.

Also, PENC opposes school vouchers and the 2017-2018 budget has included monies to expand a voucher program. With no accountability and the fact that a voucher program already exists for students with special needs, PENC will continue to advocate for responsible spending of North Carolina tax dollars by opposing future expansion of the North Carolina Opportunity Scholarship voucher program.

Education Savings Accounts (ESAs) were also added to the budget (initially for Special Needs students/parents) and will be available in the second year of the biennium. PENC is concerned that these dollars may be taken from the public schools and used in private education markets with limited oversight and accountability. PENC will watch closely and cautiously as the Legislature explores ways to further expand ESAs. Other states which have implemented the accounts thus far have reported cases of fraud linked to ESAs.

PENC also wants to see school textbook funds restored to meaningful levels so that LEAs and schools can provide up to date and relevant learning materials to students. PENC will continue to work with legislators in a bipartisan effort to benefit NC public school students by keeping public money for our public schools and ensuring students have the tools necessary to obtain a quality education.

## **Enacted Legislation**

### **[H13 \(Session Law 2017-9\), Class Size Requirement Changes](#)**

PENC played a prominent role in securing changes and legislative promises for allocated monies not present in the original legislation which would have put a significant strain on LEA's ability to fund Specials Teachers. PENC helped secure funding for all Specials Teachers as a single line item in year 2 of the biennium budget ensuring no job losses. This bill, now signed into law by the Governor, eases the pressures of LEAs to meet General Assembly class size mandates. In addition, flexibility is given to LEA's as they work to lower class sizes and will ensure that LEA's report to the General Assembly their plans to meet these objectives for the 2018-2019 school year.

### **[H528 \(Session Law 2017-9\), Budget Technical Corrections](#)**

Among the items of interest in the Budget Technical Corrections are adjustments to the Appropriations Act (budget) that include changes in language and minor corrections. Additional changes include language that allows the State Superintendent of Public Instruction to terminate the Associate Superintendent of Public Instruction without cause. Technical Corrections are not major policy changes and happen with every biennium budget.

#### **H159 (Session Law 2017), Charter School TSERS Election**

Regarding the Teachers' and State Employees' Retirement System (TSERS), H159 mandates that Charter Schools must undergo a financial and actuarial review and extends the time in which a Charter School may elect to become part of the Teachers' and State Employees' Retirement System (TSERS).

#### **H800 (Session Law 2017), Various Changes to Charter School Laws**

Other policy changes implemented regarding Charter Schools allows a Charter School's Board of Directors to contract with an Education Management Organization (EMO) for the purpose of hiring school personnel. Policy language was added that gives prior Charter School student enrollees priority when enrolling in a different Charter School (for example if a student moves to another LEA). In addition, changes were included concerning online education providers. Previously the North Carolina Public Virtual School (NCVPS) consolidated online education for the State. Now, other approved vendors who meet course quality standards may be contracted by schools or LEA's to provide online education services.

#### **H21 (Session Law 2017), Driver Instruction/Law Enforcement Stops**

Left unchanged throughout the session, this law is designed to better equip North Carolina young drivers with the appropriate responses to traffic stops by law enforcement. This law recommends that law enforcement agencies create guidelines for motorists to follow in the event of being stopped. In addition, appropriate measures for drivers will be included in future Drivers Education manuals and curriculum so that both teens and police officers understand proper traffic stop expectations.

#### **S64 (Session Law 2017), Veterans' History Awareness Month**

This law makes November "Veterans' History Awareness Month" in public schools and directs NCDPI to develop programs to better enable students to appreciate the contributions of Veterans to our state and nation. PENC salutes our veterans and the sacrifices that they have made to ensure our freedom.

#### **H149 (Session Law 2017), Students W/Dyslexia and Dyscalculia**

This law mandates that the State School Board and local School Boards work to develop tools which would enable students with dyslexia and dyscalculia to be more quickly recognized and for favorable plans of action to be implemented. Screenings, assessments and special services would be made available to identified students.

#### **S312 (Session Law 2017), Surplus Computers for Low-Income Students**

This law authorizes nonprofit entities to receive and refurbish state surplus computers for the purpose of donating this equipment to low-income families with needful children. At the direction of State Surplus Property Agency of the Department of Administration, these surplus items must be distributed throughout the state so that all regions benefit.

#### **S421 (Session Law 2017), Use of Career & Technical Funds/Onslow County**

It is not uncommon to find language in policy bills or see money in the budget that address or benefits a single county of LEA. For example, this law appropriates \$5 million to Onslow County in the 2016-2017 fiscal year to retrofit and purchase equipment for a regional Career and Technical Education center.

#### **S468 (Session Law 2017), Qualified Zone Academy Bonds Use Modification**

This section addresses specific ways monies must be spent in accordance to federal law. Intended for economically distressed counties, these dollars can be used for capital improvements and other necessary means such as resource and curriculum development and the training of teachers.

#### **H704 (Session Law 2017), Divide School Systems/Study Committee**

This directive creates a Joint Legislative Study Committee to examine the division of LEAs. PENC will be interested in what the members of this committee determine as they look to see if further consolidation is needed.

#### **S78 (Session Law 2017), Cost To Comply/Fed Ed Funds/PED Study**

This addition authorizes the North Carolina Department of Public Instruction to study costs incurred with complying with Federal mandates as a method of examining the amount of real federal monies that the state can use in program implementation and education spending. The intent is to see how much money in unfunded mandates the state has to carry year to year and to see the real worth of federal dollars to ongoing programs.

### **S253 (Session Law 2017), Partisan Elections/Certain School Boards**

This law changes elections for the county Board of Education from nonpartisan to partisan in these 8 counties: Beaufort, Carteret, Cleveland, Dare, Hyde, Madison, Onslow, Pender, and Yancey. Partisan elections means that candidates for the BOE will appear on the ballot with their party affiliation listed.

### **S169 (Session Law 2017), Teaching Excellence Bonus Expansion**

This policy supplies bonuses for certain teachers who, without any fault of their own, would have received bonuses under the Third Grade Teacher Performance Pilot Program or the Advanced Placement / International Baccalaureate Teacher Bonus Pilot Program established in the 2016 budget. Teachers must be at the same school that they would have received the bonus.

### **S448 (Session Law 2017), Professors in the Classroom**

In an effort to staff hard to fill position, LEAs would be allowed to employ faculty members from institutions of higher education to serve as adjunct instructors for core academic subjects without being required to obtain a teaching license. These adjuncts could teach no more than 20 hours per week.

Adjuncts would be required to have training (provided by LEAs) in the following:

- The identification and education of children with disabilities.
- Positive management of student behavior.
- Effective communication for defusing and de-escalating disruptive or dangerous behavior.
- Safe and appropriate use of seclusion and restraint.

### **S599 (Session Law 2017), Excellent Educators for Every Classroom**

This policy will be of interest to those wishing to enter education from non-traditional paths. This law creates the Professional Educator Preparation and Standards Commission which will consist of 18 members from various levels of public education and will be tasked with creating alternatives to the old lateral entry program. It allows the expansion of educator preparation programs, and gradually eliminates lateral entry licensure and replaces it with "residency licensure." Much of this is still unknown and will be until the committee is formed and begins its work toward actionable solutions to transition second career candidates into the classroom.

### **H115 (Session Law 2017), Retirement Technical Corrections Act of 2017**

As stated earlier, the NC General Assembly has made some changes regarding retirement for teachers. However, this section of law appears benign and simply seeks to streamline some items and make clarifying changes to others. For example, the law clarifies that payout of vacation leave should only be included in "average final compensation" if the payout was received by the Teachers' and State Employees' Retirement System (TSERS) member during the four consecutive calendar years of membership service producing the highest average annual compensation of the member. It also clarifies that TSERS members on educational leave for programs where they receive a stipend are eligible to purchase their creditable service. And the law directs the Committee on Actuarial Valuation of Retired Employees' Health Benefits adopt a funding policy and include information about the State's contribution policy, including the basis for determining contributions in the annual actuarial valuation. PENC will keep a watchful eye on all changes dealing with the TSERS.

### **H176 (Session Law 2017), Pensions Integrity Act of 2017**

Also regarding retirement and the retirement system is the Pensions Integrity Act which adds the term "compliance investigation" to the statutes governing the Teachers' and State Employees' Retirement System (TSERS) and defines the term as "an independent review or examination by Retirement Systems Division staff or authorized representatives who are assisting the Retirement Systems Division staff of records, activities, actions, or decisions by employers or other affiliated or associated entities having an impact on a Retirement System or benefits administered by the Board of Trustees. The purpose of a compliance investigation is to help detect errors and ensure compliance and full accountability in the use of pension funds." Presumably this act will provide better protections so that retirement funds are sustainable in NC.

### **H183 (Session Law 2017), Retirement Admin. Changes Act of 2017**

This act makes changes to the investment funds categories (narrows it to 2) available for the state to invest asset retirement funds in order to protect and secure those funds so that they will be sustainable. Minor changes, such as gender neutral language, are added as well as modification of some of the treasury rules for investment and allocation.

### [H299 \(Session Law 2017, State Health Plan Administrative Changes\)](#)

Many PENC members with dependents added to the State Health Plan have had to submit paperwork for the audit from the NC Treasury Department which oversees the state health plan. This portion of session law clarifies that an individual would lose coverage under the State Health Plan on the last day of the month the individual is found to have made a false representation regarding eligibility. In addition, if a retiree is a prisoner in the state, then that person is not eligible for coverage under the State Health Plan.

### [S55 \(Session Law 2017\), School Bus Cameras/Civil Penalties](#)

In order to ensure student safety at bus stops and on busses, this act authorizes local adoption of laws imposing civil penalties for passing a stopped school bus. It also authorizes LEAs to install and operate automated school bus safety cameras and/or to contract with vendors for the installation and operation of the cameras.

### [H155 \(Session Law 2017\), Omnibus Education Law Changes](#)

The Omnibus Education Law Changes are a catch-all package of modifications, directives, and adoptions. For example,

- The law changes from September to October the reporting date for school organization data to be submitted from each LEA (which will give schools more time to gather this data correctly).
- The law ensures compliance regarding career status statutes to align with the North Carolina Supreme Court decision holding that career status could not be removed from teachers who had already achieved that status.
- The law allows assistant principals at schools with at least 1,500 students to evaluate beginning teachers if at least one evaluation in that teacher's first three years of employment is conducted by the principal.
- The law directs the Superintendent of Public Instruction to study effective and positive intervention measures or changes to address risky student behaviors and encourage and support positive student and mental health.
- The law directs the Superintendent of Public Instruction and Department of Public Instruction to develop recommendations to improve student and teacher computer science skills and to do so in conjunction with the Friday Institute.

### [Items Still Pending:](#)

#### [H90 Truth in Education](#)

PENC is grateful for the hard work of Rep. Jeffrey Elmore who sponsored the original HB 90. House Bill 90, which would end the North Carolina Final Exam testing program, was gutted by the Senate in committee and replaced with a Higher Education bill not relevant to the NC Testing program. The sponsor of the original HB 90, Rep. Elmore, a teacher from Wilkes County, then moved to not concur with the Senate proposal, which means the original bill to the end the NCFE could resurface. PENC stands with Rep. Elmore and his advocacy for our public schools students and teachers.

### [Concluding Thoughts](#)

PENC is proud to have effectively represented education stakeholders of our state. We accomplished a lot this session, especially in regards to teacher pay (see pay schedule below) and we were fortunate to be a leading voice for public education in Raleigh. PENC looks forward to working with legislators to correct those items that we believe are not in the best interest of NC public education while building on our gains from 2017.

### **TEACHER SALARY SCHEDULE 27 SECTION**

8.1.(a) The following monthly teacher salary schedule shall apply for the 2017-2018 fiscal year to licensed personnel of the public schools who are classified as teachers. The salary schedule is based on years of teaching experience. Teachers with 25 years or more of service will receive one bonus of \$385 in addition to their .6 per cent raise.

<u>Years of Experience</u>	<u>"A" Teachers</u>
0	\$3,530
1-2	\$3,630
3-4	\$3,730
5-6	\$3,830
7-8	\$3,930

9-10	\$4,055
11-12	\$4,205
13-14	\$4,355
15	\$4,555
16	\$4,630
17-18	\$4,730
19-20	\$4,830
21-22	\$4,930
23-24	\$5,030
25+	\$5,130

Licensed teachers who have NBPTS certification shall receive a salary supplement each month of twelve percent (12%) of their monthly salary on the "A" salary schedule.

*Salary Schedule taken from S257-PCS45440-LRxf-5 [v.3] Senate Bill 257 Page 87*