



Public Schools of North Carolina

Legislative Update

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July 24, 2014

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-78
SENATE BILL 812

AN ACT TO EXERCISE NORTH CAROLINA'S CONSTITUTIONAL AUTHORITY OVER ALL ACADEMIC STANDARDS; TO REPLACE COMMON CORE; AND TO ENSURE THAT STANDARDS ARE ROBUST AND APPROPRIATE AND ENABLE STUDENTS TO SUCCEED ACADEMICALLY AND PROFESSIONALLY.

Whereas, the North Carolina Constitution, Article IX, Section 5, directs the State Board of Education to supervise and administer a free public school system and make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly; and

Whereas, the North Carolina General Statutes direct the State Board of Education to adopt and modify academic standards for the public schools; and

Whereas, the North Carolina General Statutes also grant local boards of education broad discretion and authority with respect to specific curricular decisions and academic programs, as long as they align with the standards adopted by the State Board of Education; and

Whereas, North Carolina desires its academic standards to be among the highest in the nation; and

Whereas, the adoption and implementation of demanding, robust academic standards is essential for providing high-quality education to our students and for fostering a competitive economy for the future of our State; and

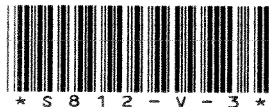
Whereas, North Carolina's standards must be age-level and developmentally appropriate; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) The State Board of Education shall:

- (1) Continue to exercise its authority under the North Carolina Constitution and G.S. 115C-12(9c) to adopt academic standards for the public schools.
- (2) Conduct a comprehensive review of all English Language Arts and Mathematics standards adopted under G.S. 115C-12(9c) and propose modifications to ensure that those standards meet all of the following criteria:
 - a. Increase students' level of academic achievement.
 - b. Meet and reflect North Carolina's priorities.
 - c. Are age-level and developmentally appropriate.
 - d. Are understandable to parents and teachers.
 - e. Are among the highest standards in the nation.
- (3) Not enter into any agreement, understanding, or contract that would cede control of the Standard Course of Study and related assessments. This requirement does not prohibit the use of national or international curricula, such as the Advanced Placement or International Baccalaureate programs.
- (4) Involve and survey a representative sample of parents, teachers, and the public to help determine academic content standards that meet and reflect North Carolina's priorities and the usefulness of the content standards.
- (5) Prior to making changes to the standards, consult with the Academic Standards Review Commission, which is established in Section 2 of this act.

SECTION 1.(b) Academic standards adopted by the State Board of Education under G.S. 115C-12(9c) shall continue to be named and referred to as the "North Carolina



Standard Course of Study," reflecting emphasis on North Carolina's needs and priorities. The State Board of Education shall maintain and reinforce the independence of the North Carolina Standard Course of Study and related student assessments, rejecting usurpation and intrusion from federally mandated national or standardized controls.

SECTION 2.(a) There is established the Academic Standards Review Commission. The Commission shall be located administratively in the Department of Administration but shall exercise all its prescribed powers independently of the Department of Administration.

SECTION 2.(b) The Commission shall be composed of 11 members as follows:

- (1) Four members appointed by the President Pro Tempore of the Senate. The President Pro Tempore shall consider, but is not limited to, appointing representatives from the following groups in these appointments: parents of students enrolled in the public schools; Mathematics and English Language Arts teachers; Mathematics and English Language Arts curriculum experts; school leadership to include principals and superintendents; members of the business community; and members of the postsecondary education community who are qualified to assure the alignment of standards to career and college readiness.
- (2) Four members appointed by the Speaker of the House of Representatives. The Speaker of the House of Representatives shall consider, but is not limited to, appointing representatives from the following groups in these appointments: parents of students enrolled in the public schools; Mathematics and English Language Arts teachers; Mathematics and English Language Arts curriculum experts; school leadership to include principals and superintendents; members of the business community; and members of the postsecondary education community who are qualified to assure the alignment of standards to career and college readiness.
- (3) Two members of the State Board of Education as follows: (i) the Chair or the Chair's designee and (ii) a member appointed by the Chair, representing the State Board's Task Force on Summative Assessment.
- (4) One member appointed by the Governor.

No individual serving in a statewide elected office or as a member of the General Assembly shall be appointed to the Commission. The Commission shall meet on the call of the Chair of the State Board of Education no later than September 1, 2014. The cochairs of the Commission shall be elected during the first meeting from among the members of the Commission by the members of the Commission.

SECTION 2.(c) The Commission shall:

- (1) Conduct a comprehensive review of all English Language Arts and Mathematics standards that were adopted by the State Board of Education under G.S. 115C-12(9c) and propose modifications to ensure that those standards meet all of the following criteria:
 - a. Increase students' level of academic achievement.
 - b. Meet and reflect North Carolina's priorities.
 - c. Are age-level and developmentally appropriate.
 - d. Are understandable to parents and teachers.
 - e. Are among the highest standards in the nation.
- (2) As soon as practicable upon convening, and at any time prior to termination, recommend changes and modifications to these academic standards to the State Board of Education.
- (3) Recommend to the State Board of Education assessments aligned to proposed changes and modifications that would also reduce the number of high-stakes assessments administered to public schools.
- (4) Consider the impact on educators, including the need for professional development, when making any of the recommendations required in this section.

The Commission shall assemble content experts to assist it in evaluating the rigor of academic standards. The Commission shall also involve interested stakeholders in this process and otherwise ensure that the process is transparent.

SECTION 2.(d) The Commission shall meet upon the call of the cochairs. A quorum of the Commission shall be nine members. Any vacancy on the Commission shall be filled by the appointing authority. The Commission shall hold its first meeting no later than September 1, 2014.

SECTION 2.(e) To the extent that funds are available, the Commission may contract for professional, clerical, and consultant services. Professional and clerical staff positions for the Commission may be filled by persons whose services are loaned to the Commission to fulfill the work of the Commission.

SECTION 2.(f) The Department of Administration shall provide meeting rooms, telephones, office space, equipment, and supplies to the Commission and shall be reimbursed from the Commission's budget, to the extent that funds are available.

SECTION 2.(g) To the extent that funds are available, the Commission members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5, 138-6, or 120-3.1, as appropriate.

SECTION 2.(h) Upon the request of the Commission, all State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

SECTION 2.(i) The Commission shall make a final report of its findings and recommendations to the State Board of Education, the Joint Legislative Education Oversight Committee, and the 2016 Session of the 2015 General Assembly. The Commission shall terminate on December 31, 2015, or upon the filing of its final report, whichever occurs first.

SECTION 3.(a) G.S. 115C-174.11(c)(3) is repealed.

SECTION 3.(b) The State Board of Education shall continue to develop and update the North Carolina Standard Course of Study in accordance with G.S. 115C-12(9c), including a review of standards in other states and of national assessments aligned with those standards, and shall implement the assessments the State Board deems most aligned to assess student achievement on the North Carolina Standard Course of Study, in accordance with Section 9.2(b) of S.L. 2013-360 and Section 5 of this act.

SECTION 4. G.S. 115C-12(39) reads as rewritten:

"(39) Power to Accredit Schools. – Upon the request of a local board of education, the State Board of Education shall evaluate schools in local school administrative units to determine whether the education provided by those schools meets acceptable levels of quality. The State Board shall adopt rigorous and appropriate academic standards for accreditation after consideration of (i) the standards of regional and national accrediting agencies, (ii) ~~the Common Core Standards adopted by the National Governors Association Center for Best Practices and the Council of Chief State School Officers, the academic standards adopted in accordance with subdivision (9c) of this section,~~ and (iii) other information it deems appropriate.

The local school administrative unit shall compensate the State Board for the actual costs of the accreditation process."

SECTION 5. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by July 15, 2015, on the acquisition and implementation of a new assessment instrument or instruments to assess student achievement on the academic standards adopted pursuant to G.S. 115C-12(9c). The State Board shall not acquire or implement the assessment instrument or instruments without the enactment of legislation by the General Assembly authorizing the purchase. The assessment instrument or instruments shall be nationally normed, aligned with the North Carolina Standard Course of Study, and field-tested. Examples of appropriate assessment models would include, but not be limited to, the Iowa Test of Basic Skills (ITBS), the Scholastic Aptitude Test (SAT), ACT Aspire, and the National Assessment of Educational Progress (NAEP).

SECTION 6. Local boards of education shall continue to provide for the efficient teaching of the course content required by the Standard Course of Study as provided under G.S. 115C-47(12). The current Standard Course of Study remains in effect until official notice is provided to all public school teachers, administrators, and parents or guardians of students enrolled in the public schools of any changes made in the Standard Course of Study by the State Board of Education.

SECTION 7. This act becomes effective July 1, 2014.
In the General Assembly read three times and ratified this the 16th day of July, 2014.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 12:07 p.m. this 22nd day of July, 2014

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-5
HOUSE BILL 230

AN ACT TO CLARIFY PROVISIONS OF THE READ TO ACHIEVE ACT AND SCHOOL PERFORMANCE GRADES AND TO EXPAND THE TESTING WINDOW FOR ONE YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-83.3(2) reads as rewritten:

"(2) "Alternative assessment" means a valid and reliable standardized assessment of reading comprehension, approved by the State Board of Education, that is not the same test as the State-approved standardized test of reading comprehension administered to third grade students. The State Board of Education shall (i) provide several valid and reliable alternative assessments to local school administrative units upon request, (ii) approve valid and reliable alternative assessments submitted by local school administrative units, and (iii) establish achievement level ranges for each approved alternative assessment. The State Board of Education shall annually review all alternative assessments to ensure ongoing relevance, validity, and reliability."

SECTION 2. G.S. 115C-83.3(8) reads as rewritten:

"(8) "Student reading portfolio" means a compilation of independently produced student work selected by the student's teacher, beginning during the first half of the school year, and signed by the teacher and principal, as an accurate picture of the student's reading ability. The student reading portfolio shall include an organized collection of evidence of the student's mastery of the State's reading standards that are assessed by the State-approved standardized test of reading comprehension administered to third grade students. A single piece of evidence may show mastery of up to two standards. For each benchmark, there shall be three examples of student work demonstrating mastery by a grade of seventy percent (70%) or above."

SECTION 3. G.S. 115C-83.3(9) reads as rewritten:

"(9) ~~"Summer reading-~~"Reading camp" means an additional educational program outside of the instructional calendar provided by the local school administrative unit to any student who does not demonstrate reading proficiency. Parents or guardians of the student not demonstrating reading proficiency shall make the final decision regarding the student's ~~summer reading camp attendance. Summer Reading camps shall (i) be six to eight weeks long, four or five days per week; (ii) include at least three hours of instructional time per day; (iii) offer at least 72 hours of reading instruction to yield positive reading outcomes for participants; (ii) be taught by compensated, licensed teachers selected based on demonstrated student outcomes in reading proficiency; and (iv) allow (iii) allow volunteer mentors to read with ~~students-~~students at times other than during the 72 hours of reading instruction. The 72 hours of reading instruction shall be provided over no less than three weeks for students in schools using calendars other than year-round calendars."~~

SECTION 4. G.S. 115C-83.5(d) reads as rewritten:

"(d) The kindergarten entry assessment shall (i) address the five essential domains of school readiness: language and literacy development, cognition and general knowledge,



approaches toward learning, physical well-being and motor development, and social and emotional development and (ii) yield both qualitative and quantitative data in each of these domains. Data obtained through administration of the kindergarten entry assessment shall be used to populate relevant fields in a longitudinal data base. The language and literacy component of the kindergarten entry assessment may be used as a formative and diagnostic reading assessment as provided in G.S. 115C-83.6."

SECTION 5. G.S. 115C-83.7(b) reads as rewritten:

"(b) Students may be exempt from mandatory retention in third grade for good cause, but shall continue to be eligible to participate in reading camps, receive instructional supports and services and reading interventions appropriate for their age and reading level. Good cause exemptions shall be limited to the following:

- (1) Limited English Proficient students with less than two years school years of instruction in an English as a Second Language program.
- (2) Students with disabilities, as defined in G.S. 115C-106.3(1), whose individualized education program indicates the use of alternative assessments and reading interventions. G.S. 115C-106.3(1), and whose individualized education program indicates (i) the use of the NCEXTEND1 alternate assessment, (ii) at least a two school year delay in educational performance, or (iii) receipt of intensive reading interventions for at least two school years.
- (3) Students who demonstrate reading proficiency appropriate for third grade students on an alternative assessment approved by the State Board of Education. Teachers may administer alternative assessment following the administration of the State approved standardized test of reading comprehension typically given to third grade students at the end of the school year or after a student's participation in the local school administrative unit's summer reading camp.
- (4) Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for third grade students. Teachers may submit the student reading portfolio at the end of the school year or after a student's participation in the local school administrative unit's summer reading camp. The student reading portfolio and review process processes used by local school administrative units shall be established approved by the State Board of Education.
- (5) Students who have (i) received reading intervention and (ii) previously been retained more than once in kindergarten, first, second, or third grades."

SECTION 6. G.S. 115C-83.8 reads as rewritten:

"§ 115C-83.8. Successful reading development for retained students.

(a) ~~Parents or guardians of Students~~ students not demonstrating reading proficiency shall be ~~enrolled~~ encouraged to enroll their student in a summer reading camp provided by the local school administrative unit prior to being retained. ~~unit. Students who demonstrate reading proficiency on an alternative assessment of reading comprehension or student reading portfolio after completing a summer reading camp shall be promoted to the fourth grade. Students who do not demonstrate reading proficiency on these measures after completing a summer reading camp shall be retained under G.S. 115C-83.7(a) and provided with the instruction listed in subsection (b) of this section during the retained year.~~ Parents or guardians of a student not demonstrating reading proficiency shall make the final decision regarding a student's reading camp attendance. Local school administrative units shall provide at least one opportunity for students not participating in a reading camp to demonstrate reading proficiency appropriate for third grade students on an alternative assessment or through a student reading portfolio process approved by the State Board of Education prior to retaining the student.

(b) Students retained under G.S. 115C-83.7(a) shall be provided with a teacher selected based on demonstrated student outcomes in reading proficiency and placed in an accelerated reading class or a transitional third and fourth grade class combination, as appropriate. Classroom instruction shall include at least 90 minutes of daily, uninterrupted, evidence-based reading instruction, not to include independent reading time, and other appropriate instructional supports and services and reading interventions.

(c) The State Board of Education shall establish a midyear promotion policy for any student retained under G.S. 115C-83.7(a) who, by November 1, demonstrates reading

proficiency through administration of the alternative assessment of reading comprehension or student reading portfolio review. Principals shall use the provisions under G.S. 115C-288(a) to grade and classify students demonstrating reading proficiency after the November 1 midyear promotion deadline.

(d) Repealed by Session Laws 2013-360, s. 8.30, effective July 1, 2013.

(e) Parents or guardians of students who have been retained twice under the provisions of G.S. 115C-83.7(a) shall be offered supplemental tutoring for the retained student in evidence-based reading services outside the instructional day."

SECTION 7. G.S. 115C-83.9 reads as rewritten:

"§ 115C-83.9. Notification requirements to parents and guardians.

(a) Parents or guardians shall be notified in writing, and in a timely manner, that the student shall be retained, unless he or she is exempt from mandatory retention for good cause, if the student is not demonstrating reading proficiency by the end of third grade. Parents or guardians shall receive this notice when a kindergarten, first, second, or third grade student (i) is demonstrating difficulty with reading development; (ii) is not reading at grade level; or (iii) has a personal education plan under G.S. 115C-105.41.

(b) Parents or guardians of any student who is to be retained under the provisions of G.S. 115C-83.7(a) shall be notified in writing of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b). Written notification shall also include a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency.

(c) Parents or guardians of students retained under G.S. 115C-83.7(a) shall receive at least monthly written reports on student progress toward reading proficiency. The evaluation of the student's progress shall be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

(d) Teachers and principals shall provide ~~opportunities~~ opportunities, including, but not limited to, information sessions, to discuss with parents and guardians the notifications listed in this section."

SECTION 8. Part 1A of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-83.11. Continued support for students demonstrating reading proficiency.

(a) Parents or guardians of a student demonstrating reading proficiency appropriate for a third grade student as provided under G.S. 115C-83.7 may choose to enroll the student in the reading camp as defined in G.S. 115C-83.3(9) but may be charged an attendance fee. Local boards of education may establish a fee amount to be equal to the per student program cost of participating in the reading camp, not to exceed eight hundred twenty-five dollars (\$825.00).

(b) Priority enrollment in the reading camp is for students not demonstrating reading proficiency as provided under G.S. 115C-83.8. Local boards of education shall establish application procedures and enrollment priorities for reading camps for students demonstrating reading proficiency."

SECTION 9. G.S. 115C-238.29F(d1) reads as rewritten:

"(d1) Reading Proficiency and Student Promotion. –

(1) Students in the third grade shall be retained if the student fails to demonstrate reading proficiency by reading at or above the third grade level as demonstrated by the results of the State-approved standardized test of reading comprehension administered to third grade students. The charter school shall provide reading interventions to retained students to remediate reading deficiency, which may include 90 minutes of daily, uninterrupted, evidence-based reading instruction, accelerated reading classes, transition classes containing third and fourth grade students, and summer reading camps.

(2) Students may be exempt from mandatory retention in third grade for good cause but shall continue to receive instructional supports and services and reading interventions appropriate for their age and reading level. Good cause exemptions shall be limited to the following:

a. Limited English Proficient students with less than two school years of instruction in an English as a Second Language program.

b. Students with disabilities, as defined in G.S. 115C-106.3(1), and whose individualized education program indicates ~~the use of~~

~~alternative assessments and reading interventions (i) the use of the NCEXTEND1 alternate assessment, (ii) at least a two school year delay in educational performance, or (iii) receipt of intensive reading interventions for at least two school years.~~

- c. Students who demonstrate reading proficiency appropriate for third grade students on an alternative assessment of reading comprehension. The charter school shall notify the State Board of Education of the alternative assessment used to demonstrate reading proficiency.
- d. Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for third grade students.
- e. Students who have (i) received reading intervention and (ii) previously been retained more than once in kindergarten, first, second, or third grades.

...."

SECTION 10. The State Board of Education shall implement the developmental screening instrument as provided in G.S. 115C-83.5 in each school in a local school administrative unit enrolling kindergarten students, and according to the approved time line for the administration of the Kindergarten Entry Assessment as provided under Section 3.9 of S.L. 2013-363. Additional components of the Kindergarten Entry Assessment shall be fully implemented in each school in a local school administrative unit enrolling kindergarten students beginning with the 2016-2017 school year.

SECTION 11. The title of Part 5 of Article 10A of Chapter 115C of the General Statutes reads as rewritten:

"CAREER AND COLLEGE READINESS."

SECTION 12. G.S. 115C-83.4A is recodified in Part 5 of Article 10A of Chapter 115C of the General Statutes as G.S. 115C-174.26.

SECTION 13. G.S. 115C-83.15(b) reads as rewritten:

"(b) Calculation of the School Achievement Score. – In calculating the overall school achievement score earned by schools, the State Board of Education shall total the sum of points earned by a school on all of the following indicators that are measured for that school:

- (1) One point for each percent of students who score at or above proficient on annual assessments for mathematics in grades three through eight.
- (2) One point for each percent of students who score at or above proficient on annual assessments for reading in grades three through eight.
- (3) One point for each percent of students who score at or above proficient on annual assessments for science in grades five and eight.
- (4) One point for each percent of students who score at or above proficient on the Algebra I or Integrated Math I end-of-course test.
- (5) One point for each percent of students who score at or above proficient on the English II end-of-course test.
- (6) One point for each percent of students who score at or above proficient on the Biology end-of-course test.
- (7) One point for each percent of students who complete Algebra II or Integrated Math III with a passing grade.
- (8) One point for each percent of students who achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness.
- (9) One point for each percent of students enrolled in Career and Technical Education courses who meet the standard when scoring at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness.
- (10) One point for each percent of students who graduate within four years of entering high school.

~~Each school achievement indicator shall be of equal value when used to determine the overall school achievement score. In calculating the overall school achievement score earned by schools, the State Board of Education shall (i) use a composite approach to weigh the achievement elements based on the number of students measured by any given achievement element and (ii) proportionally adjust the scale to account for the absence of a school achievement element for award of scores to a school that does not have a measure of one of the~~

school achievement elements annually assessed for the grades taught at that school. The overall school achievement score shall be translated to a 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-238.29F, and 115C-238.66."

SECTION 14. G.S. 115C-83.15(d) reads as rewritten:

"(d) Calculation of the School Performance Scores and Grades. — ~~For schools exceeding or not meeting expected school growth, the~~ The State Board of Education shall use EVAAS to calculate the school performance score by adding the school achievement score, as provided in subsection (b) of this section, and the school growth score, as provided in subsection (c) of this section, earned by a school. The school achievement score shall account for eighty percent (80%), and the school growth score shall account for twenty percent (20%) of the total sum. ~~For schools meeting expected growth, and with a school achievement score of eighty percent (80%) or higher, the school performance score shall solely reflect the achievement score. For schools meeting expected growth, and with a school achievement score below eighty percent (80%), the school achievement score shall account for eighty percent (80%), and the school growth score shall account for twenty percent (20%) of the total sum. If a school has met expected growth and inclusion of the school's growth score reduces the school's performance score and grade, a school may choose to use the school achievement score solely to calculate the performance score and grade.~~ For all schools, the total school performance score shall be converted to a 100-point scale and used to determine a school performance grade based on the following scale:

- (1) A school performance score of at least 90 is equivalent to an overall school performance grade of A.
- (2) A school performance score of at least 80 is equivalent to an overall school performance grade of B.
- (3) A school performance score of at least 70 is equivalent to an overall school performance grade of C.
- (4) A school performance score of at least 60 is equivalent to an overall school performance grade of D.
- (5) A school performance score of less than 60 points is equivalent to an overall school performance grade of F."

SECTION 15. Notwithstanding G.S. 115C-83.15(d), for the 2013-2014 school year only, for all schools the total school performance score shall be converted to a 100-point scale and used to determine a school performance grade based on the following scale:

- (1) A school performance score of at least 85 is equivalent to an overall school performance grade of A.
- (2) A school performance score of at least 70 is equivalent to an overall school performance grade of B.
- (3) A school performance score of at least 55 is equivalent to an overall school performance grade of C.
- (4) A school performance score of at least 40 is equivalent to an overall school performance grade of D.
- (5) A school performance score of less than 40 points is equivalent to an overall school performance grade of F.

SECTION 16. For the 2014-2015 school year only, local boards of education may apply for waivers from the requirements in G.S. 115C-174.12(4) which limit the administration of final exams for year-long courses to the final 10 instructional days of the school year and the final five instructional days of the semester for semester courses. Local boards of education shall apply for these waivers to the State Board of Education by September 1, 2014. The State Board of Education shall grant the waivers for up to five additional days in order to allow the administration of final exams for year-long courses within the final 15 instructional days of the school year and for semester courses within the final 10 instructional days of the semester. By October 1, 2014, the State Board of Education shall notify the local boards of education whether the requested waivers have been granted.

SECTION 17. This act is effective when it becomes law. Section 16 of this act applies only for the 2014-2015 school year.

In the General Assembly read three times and ratified this the 9th day of June, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Paul Stam
Speaker Pro Tempore of the House of Representatives

s/ Pat McCrory
Governor

Approved 5:42 p.m. this 10th day of June, 2014

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-13
SENATE BILL 370

AN ACT TO CLARIFY STUDENT RIGHTS TO ENGAGE IN PRAYER AND RELIGIOUS ACTIVITY IN SCHOOL, TO CREATE AN ADMINISTRATIVE PROCESS FOR REMEDYING COMPLAINTS REGARDING EXERCISE OF THOSE STUDENT RIGHTS, AND TO CLARIFY RELIGIOUS ACTIVITY FOR SCHOOL PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 29D.

"Student Prayer and Religious Activity.

"§ 115C-407.30. Student rights to engage in prayer and religious activity.

- (a) A student shall be permitted to voluntarily do any of the following:
- (1) Pray, either silently or audibly and alone or with other students, to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, or speak on nonreligious matters alone or with other students in public schools.
 - (2) Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on nonreligious topics or subjects in the school.
 - (3) Speak to and attempt to share religious viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share nonreligious viewpoints with other students.
 - (4) Possess or distribute religious literature in a public school, subject to reasonable time, place, and manner restrictions, to the same extent and under the same circumstances as a student is permitted to possess or distribute literature on nonreligious topics or subjects in the school.
 - (5) Organize prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district shall not discriminate against groups that meet for prayer or other religious speech. A local board of education and local school administrative unit may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.
 - (6) Express beliefs about religion in homework, artwork, and other written or oral assignments free from discrimination based on the religious content of the submission. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the local board of education. A student shall not be penalized or rewarded based on the religious content of the student's work.



(b) A student may be prohibited from engaging in the actions provided in subsection (a) of this section if the actions of the student would do any of the following:

- (1) Infringe on the rights of the school to (i) maintain order and discipline, (ii) prevent disruption of the educational process, and (iii) determine educational curriculum and assignments.
- (2) Harass other persons or coerce other students to participate in the activity.
- (3) Otherwise infringe on the rights of other persons.

"§ 115C-407.31. Administrative remedies and cause of action for complaints regarding exercise of religious activity.

(a) The local board of education may establish or make available an existing formal grievance process to allow students or the parents or guardians of students to present allegations that a right established under this Article has been violated by a public school. The formal grievance process shall include the right of appeal to the local board of education.

(b) If a local board of education fails to provide a formal grievance process, the following process shall be provided:

- (1) A student or a student's parent or guardian shall state the complaint to the school's principal, who shall meet with the student or the student's parent or guardian, if requested.
- (2) If the student's concerns are not resolved by the meeting with the principal, the student or student's parent or guardian may make a complaint in writing to the superintendent of the local school administrative unit with the specific facts of the alleged violation. The superintendent shall investigate and take appropriate action to ensure the alleged violation of the rights of the student is resolved within 30 days of receiving the written complaint.
- (3) If the superintendent fails to resolve the student's concerns within 30 days, the student or student's parent or guardian may appeal to the local board of education as provided in G.S. 115C-45.

(c) If a right of a student established under this Article is violated by a public school and the student has exhausted the administrative remedies provided in this section, the student may assert the violation as a cause of action or defense in a judicial proceeding and obtain appropriate relief against the local board of education. The action shall be brought in the superior court of the county in which the local school administrative unit is located.

(d) No action may be maintained pursuant to this Article unless the student has exhausted the administrative remedies provided in subsections (a) and (b) of this section.

(e) A student prevailing in a claim brought against a local school administrative unit for a violation under this Article or any action brought by a public school against a student for conduct covered by this Article shall be entitled to reasonable attorneys' fees and court costs.

(f) The Attorney General shall intervene and shall provide legal defense of this Article in any action which includes claims challenging the constitutionality of this Article.

"§ 115C-407.32. Religious activity for school personnel.

(a) Nothing in this Article shall be construed to support, encourage, or permit a teacher, administrator, or other employee of the local board of education to lead, direct, or encourage any religious or antireligious activity in violation of that portion of the First Amendment of the Constitution of the United States prohibiting laws respecting an establishment of religion.

(b) Local boards of education may not prohibit school personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the instructional day so long as such activities are voluntary for all parties and do not conflict with the responsibilities or assignments of such personnel.

✱ (c) School employees supervising extracurricular activities, including coaches, may be present while a student or group of students exercises their voluntary right to pray as provided in G.S. 115C-407.30 and, if present, shall not be disrespectful of the student exercise of such rights and may adopt a respectful posture.

(d) Nothing in this section shall prohibit local boards of education from allowing school personnel to participate in other constitutionally permissible religious activities on school grounds.

"§ 115C-407.33. Limitations of Article.

This Article shall not be construed to direct any local board of education to take any action in violation of the Constitution of North Carolina or the United States. The specification of

rights in this Article shall not be construed to exclude or limit religious liberty or free speech rights otherwise protected by federal, State, or local law."

SECTION 2. G.S. 115C-47(29b) is repealed.

SECTION 3. If any provision, sentence, or clause of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions, sentences, or clauses, or application, and to this end the provisions of this act are severable.

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17th day of June, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 2:42 p.m. this 19th day of June, 2014

SECTION 3. This act is effective when it becomes law. Annual notice requirements to parents required by Section 2 apply beginning with the 2014-2015 school year. In the General Assembly read three times and ratified this the 25th day of June, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Presiding Officer of the House of Representatives

s/ Pat McCrory
Governor

Approved 11:55 a.m. this 1st day of July, 2014

student data system, including the performance of compliance audits within the Department.

(6) Ensure that any contracts for the student data system that include de-identified student data or personally identifiable student data and are outsourced to private contractors include express provisions that safeguard privacy and security and include penalties for noncompliance.

(7) Notify the Governor and the General Assembly annually by October 1 of the following:

a. New student data, whether aggregate data, de-identified data, or personally identifiable student data, included or proposed for inclusion in the student data system for the current school year.

b. Changes to existing data collections for the student data system required for any reason, including changes to federal reporting requirements made by the United States Department of Education.

(c) Restricting on Student Data Collection. – The following information about a student or a student's family shall not be collected in nor reported as part of the student data system:

(1) Biometric information.

(2) Political affiliation.

(3) Religion.

(4) Voting history."

PART II. INCREASE TRANSPARENCY ON STUDENT PRIVACY ISSUES

SECTION 2. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-402.15. Parental notification regarding rights to student records and opt-out opportunities.

(a) Annual Parental Notification. – Local boards of education shall annually provide parents, by a method reasonably designed to provide actual notice, information on parental rights under State and federal law with regards to student records and opt-out opportunities for disclosure of directory information as provided under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and notice and opt-out opportunities for surveys covered by the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h.

(b) Notice Content. – The notice shall include information on parental rights under State and federal law to:

(1) Inspect and review education records.

(2) Seek to amend inaccurate education records.

(3) Provide written consent prior to disclosure of personally identifiable information from education records, except as otherwise provided by law. Information shall be included on disclosure of directory information and parental rights to opt out of disclosure of directory information.

(4) File a complaint with the U.S. Department of Education concerning alleged failures to comply with the Family Educational Rights and Privacy Act.

(5) Receive notice and the opportunity to opt out prior to the participation of the student in a protected information survey under 20 U.S.C. § 1232h."

PART III. EFFECTIVE DATE

(b) Security of Student Data System. – To ensure student data accessibility, transparency, and accountability relating to the student data system, the State Board of Education shall do all of the following:

- (1) Create and make publicly available a data inventory and index of data elements with definitions of individual student data fields in the student data system, including, but not limited to:
 - a. Any personally identifiable student data required to be reported by State and federal education mandates.
 - b. Any other individual student data which has been proposed for inclusion in the student data system, with a statement regarding the purpose or reason for the proposed collection.
- (2) Develop rules to comply with all relevant State and federal privacy laws and policies that apply to personally identifiable student data in the student data system, including, but not limited to, FERPA and other relevant privacy laws and policies. At a minimum, the rules shall include the following:
 - a. Restrictions on access to personally identifiable student data in the student data system to the following individuals:
 1. Authorized staff of the State Board of Education and Department of Public Instruction and the contractors working on behalf of the Department who require such access to perform their assigned duties.
 2. Authorized North Carolina public school administrators, teachers, and other school personnel and contractors working on behalf of the board of the North Carolina public school who require such access to perform their assigned duties.
 3. Students and their parents or legal guardians, or any individual that a parent or legal guardian has authorized to receive personally identifiable student data.
 4. Authorized staff of other State agencies and contractors working on behalf of those State agencies as required by law and governed by interagency data-sharing agreements.
 - b. Criteria for approval of research and data requests for personally identifiable student data in the student data system made to the State Board of Education from State or local agencies, researchers working on behalf of the Department, and the public.
- (3) Prohibit the transfer of personally identifiable student data in the student data system to individuals other than those identified in subdivision (2) of this subsection, unless otherwise permitted by law and authorized by rules adopted under this section. Such rules shall authorize the release of personally identifiable data out of State to schools or educational agencies when a student enrolls in a school out of State or a local school administrative unit seeks help with locating a student formerly enrolled in this State who is now enrolled out of State.
- (4) Develop a detailed data security plan for the student data system that includes all of the following:
 - a. Guidelines for authorizing access to the student data system and to individual student data, including guidelines for authentication of authorized access.
 - b. Privacy compliance standards.
 - c. Privacy and security audits.
 - d. Breach planning, notification, and procedures.
 - e. Data retention and disposition policies.
 - f. Data security policies, including electronic, physical, and administrative safeguards such as data encryption and training of employees.
- (5) Ensure routine and ongoing compliance by the Department of Public Instruction with FERPA, other relevant privacy laws and policies, and the privacy and security rules, policies, and procedures developed under the authority of this section related to personally identifiable student data in the

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-50
SENATE BILL 815

AN ACT TO ENSURE THE PRIVACY AND SECURITY OF STUDENT EDUCATIONAL RECORDS.

The General Assembly of North Carolina enacts:

PART I. ENSURE SECURITY OF STUDENT RECORDS

SECTION 1. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-402.5. Student data system security.

- (a) Definitions. – The following definitions apply in this section:
- (1) Aggregate student data. – Data collected or reported at the group, cohort, or institutional level.
 - (2) De-identified student data. – A student dataset in which parent and student personal or indirect identifiers, including the unique student identifier, have been removed.
 - (3) FERPA. – The federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.
 - (4) Personally identifiable student data. – Student data that:
 - a. Includes, but is not limited to, the following:
 1. Student name.
 2. Name of the student's parent or other family members.
 3. Address of the student or student's family.
 4. Personal identifier, such as the student's Social Security number or unique student identifier.
 5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
 6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
 7. Information requested by a person who the Department of Public Instruction or local school administrative unit reasonably believes knows the identity of the student to whom the education record relates.
 - b. Does not include directory information that a local board of education has provided parents with notice of and an opportunity to opt out of disclosure of that information, as provided under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless a parent has elected to opt out of disclosure of the directory information.
 - (5) Student data system. – The student information management system used by the State Board of Education and Department of Public Instruction as part of the Uniform Education Reporting Systems for collection and reporting of student data from local boards of education.



SECTION 9. Section 4 of this act becomes effective July 29, 2013. The remainder of this act is effective when it becomes law, and Sections 1 through 7 apply to grants awarded beginning with the 2014-2015 school year.

In the General Assembly read three times and ratified this the 26th day of June, 2014.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 11:33 a.m. this 1st day of July, 2014

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-8
HOUSE BILL 292

AN ACT TO ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY CERTAIN LOCAL BOARDS OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE PUBLIC SCHOOLS BY THE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115C-426, 115C-431, and 115C-432, a local board of education shall not file any legal action challenging the sufficiency of the funds appropriated by the board of county commissioners to the local current expense fund, the capital outlay fund, or both.

SECTION 2. G.S. 115C-429(b) reads as rewritten:

"(b) The board of county commissioners shall complete its action on the school budget on or before July 1, or such later date as may be agreeable to the board of education. The commissioners shall ~~determine the amount of county revenues to be appropriated in the county budget ordinance to the local school administrative unit for the budget year.~~ The board of county commissioners may, in its discretion, allocate part or all of its appropriation by purpose, function, or project as defined in the uniform budget format. appropriate moneys as follows for each indicated fiscal year:

- (1) For the 2014-2015 fiscal year, at least eighty-seven million ninety-seven thousand eight hundred eighty-four dollars (\$87,097,884) for the local current expense fund and at least nineteen million five hundred thirty-one thousand five hundred eighty-two dollars (\$19,531,582) for capital outlay.
- (2) For the 2015-2016 fiscal year, at least an amount equal to the local current expense fund appropriation for the 2014-2015 budget year plus (i) an inflationary increase based on the most recent annual consumer price index for all urban workers (CPI-U) and (ii) any increase in the average daily membership in the local school administrative unit in the first 20 days of the school year from the prior school year, and at least nineteen million seven hundred eighty-six thousand twenty-four dollars (\$19,786,024) for capital outlay."

SECTION 3. On or before August 1, 2014, the Union County Board of Commissioners and the Union County Schools shall jointly establish a working group to develop a multiyear plan to address existing and ongoing capital needs of the Union County Schools. The working group shall consist of up to 14 people, half appointed by each board. The working group shall complete its work and report to the Union County Board of Commissioners and the Union County Schools on or before June 30, 2015.

SECTION 4. Sections 1-3 of this act apply only to Union County.

SECTION 4.5.(a) G.S. 115C-431 is repealed.

SECTION 4.5.(b) The local board of education shall not file any legal action challenging the sufficiency of the funds appropriated by the board of county commissioners to the local current expense fund, the capital outlay fund, or both.

SECTION 4.5.(c) This section applies only to counties of Gaston and Nash.

SECTION 4.5.(d) This section expires upon the adoption of the 2016-2017 fiscal year budget by the appropriate board of county commissioners.

SECTION 5. If any provision of this act or its application is held invalid, the invalidity does not affect the other provisions or applications of this act that can be given effect



without the invalid provisions or applications, and to this end the provisions of this act are severable.

SECTION 6. Section 1 of this act is effective when it becomes law and expires upon adoption of the budget ordinance by the Union County Board of Commissioners for the 2016-2017 fiscal year. The remainder of this act is effective when it becomes law and shall not affect any action filed prior to the effective date of this act.

In the General Assembly read three times and ratified this the 12th day of June, 2014.

s/ Kathy Harrington
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-15
HOUSE BILL 1060

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO IDENTIFY MILITARY-CONNECTED STUDENTS USING THE UNIFORM EDUCATION REPORTING SYSTEM, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(18) reads as rewritten:

- "(18) Duty to Develop and Implement a Uniform Education Reporting System, Which Shall Include Standards and Procedures for Collecting Fiscal and Personnel Information. –
- a. The State Board of Education shall adopt standards and procedures for local school administrative units to provide timely, accurate, and complete fiscal and personnel information, including payroll information, on all school personnel.
 - b. The State Board of Education shall develop and implement a Uniform Education Reporting System that shall include requirements for collecting, processing, and reporting fiscal, personnel, and student data, by means of electronic transfer of data files from local computers to the State Computer Center through the State Communications Network.
 - c. The State Board of Education shall comply with the provisions of G.S. 116-11(10a) to plan and implement an exchange of information between the public schools and the institutions of higher education in the State. The State Board of Education shall require local boards of education to provide to the parents of children at a school all information except for confidential information received about that school from institutions of higher education pursuant to G.S. 116-11(10a) and to make that information available to the general public.
 - d. The State Board of Education shall modify the Uniform Education Reporting System to provide clear, accurate, and standard information on the use of funds at the unit and school level. The plan shall provide information that will enable the General Assembly to determine State, local, and federal expenditures for personnel at the unit and school level. The plan also shall allow the tracking of expenditures for textbooks, educational supplies and equipment, capital outlay, at-risk students, and other purposes.
 - e. When practicable, reporting requirements developed by the State Board of Education as part of the Uniform Education Reporting System under this subdivision shall be incorporated into the PowerSchool application or any other component of the Instructional Improvement System to minimize duplicative reporting by local school administrative units.
 - f. The State Board of Education shall develop a process for local school administrative units to annually identify enrolled military-connected students using the Uniform Education Reporting System. The identification of military-connected students shall not be used for the



purposes of determining school achievement, growth, and performance scores as required by G.S. 115C-12(9)c1. The identification of military-connected students is not a public record within the meaning of G.S. 132-1 and shall not be made public by any person, except as permitted under the provisions of the Family Educational and Privacy Rights Act of 1974, 20 U.S.C. § 1232g. For purposes of this section, a "military-connected student" means a student enrolled in a local school administrative unit who has a parent, step-parent, sibling, or any other person who resides in the same household serving in the active or reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard."

SECTION 2. G.S. 115C-288(m) reads as rewritten:

"(m) ~~To Address the Unique Needs of Students With Immediate Family Members in the Military-Military-Connected Students.~~ – The principal shall develop a means for identifying and serving the unique needs of students ~~who have immediate family members in the active or reserve components of the Armed Forces of the United States~~ identified as military-connected students as required in G.S. 115C-12(18)f."

SECTION 3. Section 2 of this act becomes effective July 1, 2015. The remainder of this act is effective when it becomes law, and the annual identification requirement for local school administrative units applies beginning with the 2015-2016 school year. Local school administrative units may begin the annual identification of military-connected students using the Uniform Education Reporting System beginning with the 2014-2015 school year.

In the General Assembly read three times and ratified this the 17th day of June, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 2:49 p.m. this 19th day of June, 2014

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-49
HOUSE BILL 712

AN ACT TO REVISE AND CLARIFY THE SPECIAL EDUCATION SCHOLARSHIPS FOR CHILDREN WITH DISABILITIES AND TO EXEMPT CERTAIN SCHOOLS FROM CHILD CARE LICENSURE REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1H of Article 9 of Chapter 115C of the General Statutes is retitled as "Special Education Scholarships for Children With Disabilities."

SECTION 2. G.S. 115C-112.5 reads as rewritten:

"§ 115C-112.5. Definitions.

The following definitions apply in this Part:

- (1) Authority. – The North Carolina State Education Assistance Authority.
- (1a) Child with a disability. – As defined in G.S. 115C-106.3(1).
- (1b) Disability. – As defined in G.S. 115C-106.3(2).
- (1c) Educational technology. – As defined by the Authority, an item, piece of equipment, material, product, or system which may be purchased commercially off the shelf, modified, or customized and that is used primarily for educational purposes for a child with a disability.
- (2) Eligible student. – A child ~~with a disability~~ under the age of 22 who meets all of the following criteria:
 - a. ~~Requires an Individualized Education Plan.~~ Is a child with a disability.
 - b. ~~Receives special education or related services on a daily basis.~~ Is eligible to attend a North Carolina public school pursuant to G.S. 115C-366.
 - c. Has not been placed in a nonpublic school or facility by a public agency at public expense.
 - d. Has not ~~spent any time~~ been enrolled in a postsecondary institution as a full-time student taking at least 12 hours of academic credit.
 - e. Has not received a high school diploma.
 - f. Meets at least one of the following requirements:
 1. Was enrolled in a North Carolina public school during the previous semester.
 2. Received special education or related services through the North Carolina public schools as a preschool child with a disability during the previous semester.
 3. ~~Received~~ Was approved for a scholarship ~~grant~~ for the previous semester.
 4. ~~Is eligible for initial enrollment in kindergarten or the first grade in a North Carolina public school.~~ Is a child who is identified as a child with a disability prior to the end of the year of initial enrollment in kindergarten or first grade. An award by the Authority based on eligibility under this sub-sub-subdivision shall be conditional. If documentation is not provided to the Authority that the child is a child with a disability prior to the end of the year of initial enrollment, (i) no reimbursement shall be awarded and (ii) the child shall not



qualify the following year as an eligible student under sub-sub-subdivision 3. of this section.

- (3) Nonpublic school. – A school that meets the requirements of Part 1, 2, or 3 of Article 39 of this Chapter as identified by the Division of Nonpublic Education, Department of Administration.
- (3a) Related services. – As defined in G.S. 115C-106.3(18).
- (4) Scholarship grants. – Scholarships. – Grants-Funds awarded by the Authority to eligible students-students to be used to receive special education on a daily basis while attending either a nonpublic school or a North Carolina public school for which payment of tuition is required.
- (5) Special education. – Specially designed instruction to meet the unique needs of a child with a disability. The term includes instruction in physical education and instruction conducted in a classroom, the home, a hospital or institution, and other settings."

SECTION 3. G.S. 115C-112.6 reads as rewritten:

"§ 115C-112.6. ~~Scholarship grants.~~Scholarships.

(a) Scholarship Applications. – The Authority shall make available no later than May 1 annually applications to eligible students for the award of ~~scholarship grants to attend any nonpublic school and to receive special education and related services in a nonpublic school setting.~~scholarships. Information about ~~scholarship grants~~scholarships and the application process shall be made available on the Authority's Web site. The Authority shall give priority in awarding ~~scholarship grants~~scholarships to eligible students who received a scholarship ~~grant~~ during the previous semester. Except as otherwise provided by the Authority for prior scholarship ~~grant~~ recipients, ~~scholarship grant~~scholarships shall be awarded to eligible students in the order in which the applications are received.

(a1) Web Site Availability. – Information about scholarships and the application process shall be made available on the Authority's Web site. The Authority shall also include information on the Web site notifying parents that federal regulations adopted under IDEA provide that no parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

(b) Scholarship Awards. – ~~Scholarship grants~~Scholarships awarded to eligible students shall be for amounts of not more than three thousand dollars (\$3,000) per semester per eligible student. Eligible students awarded ~~grants~~scholarships may not be enrolled in a public school.school to which that student has been assigned as provided in G.S. 115C-366. ~~Scholarship grants~~Scholarships shall be awarded only for the reimbursement of ~~tuition and special education and related services, including those services provided to home schooled students.~~tuition, special education, related services, and educational technology, as provided in subsection (b1) of this section. The Authority shall notify parents in writing of their eligibility to receive scholarships for costs that will be incurred during the spring semester of the following year by December 1 and for costs incurred during the fall semester of that year by July 1.

(b1) Scholarship Reimbursements. – Scholarship reimbursement shall be provided as follows:

- (1) Preapproval process. – Prior to the start of each school semester, the parent of an eligible student may submit documentation of the tuition, special education, related services, or educational technology the parent anticipates incurring costs on in that semester for preapproval by the Authority.
- (2) Reimbursement submissions. – Following the conclusion of each school semester, the parent of an eligible student shall submit to the Authority any receipts or other documentation approved by the Authority to demonstrate the costs incurred during the semester. In addition, parents shall provide documentation of the following to seek reimbursement:
 - a. Tuition reimbursement. – Parents may only receive reimbursement for tuition if the parent provides documentation that the student was enrolled in nonpublic school or public school for which payment of tuition is required for no less than 75 days of the semester for which the parent seeks reimbursement. Tuition reimbursement shall not be provided for home schooled students.

- b. Special education reimbursement. – Parents may only receive reimbursement for special education if the parent provides documentation that the student received special education for no less than 75 days of the semester for which the parent seeks reimbursement. Special education reimbursement shall not be provided for special education instruction provided to a home schooled student by a member of the household of a home school, as defined in G.S. 115C-563(a).
- c. Related services reimbursement. – Parents may only receive reimbursement for related services if the parent provides documentation that the student also received special education for no less than 75 days of the semester for which the parent seeks reimbursement for the related services. Related services reimbursement shall not be provided for related services provided to a home schooled student by a member of the household of a home school, as defined in G.S. 115C-563(a).
- d. Educational technology reimbursement. – Parents may only receive reimbursement for educational technology if the parent provides documentation that the student used the educational technology for no less than 75 days of the semester for which the parent seeks reimbursement.

~~Parents may only receive reimbursement for related services provided to home schooled students if the parent provides documentation that the student received related services for no less than 75 days of the semester for which the parent seeks reimbursement. The Authority shall notify parents in writing of their eligibility to receive scholarship grants for costs that will be incurred during the spring semester of the following year by December 1 and for costs incurred during the fall semester of that year by July 1. Following the conclusion of each school semester, the parent of an eligible student shall submit to the Authority any receipts or other documentation approved by the Authority to demonstrate the costs incurred during the semester as well as documentation that the student was enrolled in the nonpublic school for no less than 75 days of the semester for which the parent seeks reimbursement for tuition or documentation that related services were provided to a home schooled student for no less than 75 days of the semester for which the parent seeks reimbursement for related services.~~

(3) Scholarship award. – The Authority shall award a scholarship grant in the amount of costs demonstrated by the parent up to the maximum amount. If the costs incurred by the parent do not meet the maximum amount, the Authority shall use the remainder of those funds for the award of scholarship grants~~scholarships~~ to eligible students for the following semester. The Authority shall award scholarship grants~~scholarships~~ to the parents of eligible students at least semiannually.

(c) Student Reevaluation. – After an eligible student's initial receipt of a scholarship grant~~scholarship~~, the Authority shall ensure that the student is reevaluated at least every three years by the local educational agency in order to verify that the student continues to be a child with a disability.

(d) Rule Making. – The Authority shall establish rules and regulations for the administration and awarding of scholarship grants~~scholarships~~. The Authority shall annually develop a list of educational technology for which scholarships may be used and shall provide scholarship recipients with information about the list."

SECTION 4. G.S. 115C-112.6 is amended by adding a new subsection to read:

"(e) Public Records Exception. – Scholarship applications and personally identifiable information related to eligible students receiving scholarships shall not be a public record under Chapter 132 of the General Statutes. For the purposes of this section, personally identifiable information means any information directly related to a student or members of a student's household, including the name, birthdate, address, Social Security number, telephone number, e-mail address, financial information, or any other information or identification number that would provide information about a specific student or members of a specific student's household."

SECTION 5. G.S. 115C-112.7 reads as rewritten:

"§ 115C-112.7. **Verification of eligibility.**

(a) The Authority may seek verification of information on any application for ~~scholarship grants~~scholarships from eligible students. If a parent fails to cooperate with verification efforts, the Authority shall revoke the award of the scholarship ~~grant~~ to the eligible student.

(b) Parents of applicants for ~~scholarship grants~~scholarships shall authorize the Authority to access any information held by the local educational agency that is needed for verification efforts."

SECTION 6. G.S. 115C-112.8 reads as rewritten:

"§ 115C-112.8. Authority reporting requirements.

(a) The Authority shall report annually, no later than October 1, to the Joint Legislative Education Oversight Committee on the Special Education ~~Scholarship Grants~~Scholarships for Children with Disabilities.

(b) The annual report shall include all of the following information:

- (1) Total number, age, and grade level of eligible students receiving ~~scholarship grants~~scholarships.
- (2) Total amount of scholarship ~~grant~~ funding awarded.
- (3) Nonpublic schools in which scholarship ~~grant~~ recipients are enrolled and the number of scholarship ~~grant~~ students at that school.
- (4) The type of special education or related services for which ~~scholarship grants~~scholarships were awarded."

SECTION 7. Article 9 of Chapter 115 of the General Statutes is amended by adding a new section to read:

"§ 115C-112.9. Duties of State Board of Education.

The State Board, as part of its duty to monitor all local educational agencies to determine compliance with this Article and IDEA as provided in G.S. 115C-107.4, shall ensure that local educational agencies do the following:

- (1) Conduct evaluations requested by a child's parent or guardian of suspected children with disabilities, as defined in G.S. 115C-107.3, in a timely manner as required by IDEA.
- (2) Provide reevaluations to identified children with disabilities receiving scholarships as provided in Part 1H of this Article at the request of the parent or guardian to ensure compliance with G.S. 115C-112.6(c)."

SECTION 8. G.S. 110-86 reads as rewritten:

"§ 110-86. Definitions.

Unless the context or subject matter otherwise requires, the terms or phrases used in this Article shall be defined as follows:

- ...
- (2) Child care. – A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- ...
- f. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by national or regional accrediting agencies with early childhood standards and that operate (i) a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site; site or (ii) a child care facility for more than six and one-half hours per day, but do not receive NC Pre-K or child care subsidy funding;

...."