



Legislative Link

A Publication for the Members of the N.C. Association of School Administrators

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Key Topics in This Edition:

- 1. Crossover Deadline Decides Fate Of Public School Bills**
- 2. Summary Of This Week's Action On Bills Affecting Public Schools**

Crossover Deadline Decides Fate Of Public School Bills

State lawmakers debated and voted on hundreds of bills this week in advance of the May 14 “crossover” deadline, the legislature’s self-imposed deadline for moving non-spending and non-tax bills from one chamber to the other in order for those bills to remain eligible for further action this biennium.

During this week’s flurry of legislative activity, the fate of numerous bills that affect public schools and their personnel was determined. The information that follows highlights the status of some of the key bills that the North Carolina Association of School Administrators (NCASA) is monitoring or working on for our members. A more comprehensive listing of all bills receiving action this week and the status of all bills NCASA is tracking by category of impact is available at <http://www.ncasa.net/displaycommon.cfm?an=1&subarticlenbr=227>.

Public School Bills Surviving Crossover – Supported by NCASA:

- **House Bill 209, Sex Offender Registry/Liberties with Student**
An act to add the offense of taking indecent liberties with a student to the list of sex offenses that require registration under the sex offender and public protection registration program, as recommended by the House Select Committee on Sex Offender Issues.
- **House Bill 213/Senate Bill 352, Voluntary Sick Leave Non-Family Sick Leave Donations**
An act to require the adoption of rules and policies for the voluntary shared leave program that will permit the donation of sick leave to a non-family member recipient for state employees subject to the State Personnel Act, public school employees, and community college employees.
- **House Bill 223, No High School Graduation Project Required**
An act removing the high school graduation project as a requirement for graduation and directing the Program Evaluation Division of the General Assembly to study the cost and effectiveness of requiring a high school graduation project.
- **House Bill 311, Continue School Construction Funding**
An act to continue the construction funding of schools through the first and the second one-half-cent sales and use taxes.
- **House Bill 593, Change School Starting Date**
An act to change the school starting date for students from Aug. 25 to the second Monday in August and to require local boards of education to conduct a public hearing before determining the opening and closing dates for the public schools, effective with the 2010-11 school year.
- **House Bill 636, School Calendar Changes for Inclement Weather/Emergency Conditions**
An act to modify the school calendar law to allow local boards of education to extend the closing date for students by three days until June 13 to provide for makeup days due to inclement

weather or emergency conditions and if additional makeup days are still needed, to use up to two protected teacher workdays.

- **House Bill 1031, Building Standards/ Pre-K Classes in Public Schools**
An act to provide that public schools seeking voluntary child care facility licensure may use the same building standards for pre-kindergarten classrooms as for kindergarten classrooms meeting certain requirements.
- **House Bill 1327, Schools Notified of Criminal Intelligence Information**
An act authorizing law enforcement agencies to disseminate an assessment of criminal intelligence information to a school principal pursuant to federal law.

Public School Bills Surviving Crossover – NCASA Amended:

- **House Bill 218, Parent and Student Educational Involvement Act**
An act to modify the requirements for the notice that must be given to a parent when a student is recommended for a suspension of more than ten days or an expulsion from school.
- **House Bill 1292, Employment of Non-Certified School Personnel**
An act to amend the law regarding the dismissal, demotion, or suspension of non-certified school employees to allow these employees to have attorney representation at their own expense at any hearing allowed by a local board of education.
- **House Bill 1322/Senate Bill 962, Probationary Teacher Appeals**
An act to modify the hearing process applicable to probationary teachers to allow fourth-year teachers who are denied tenure to have a local board hearing and to allow other probationary teachers to have records regarding reasons for their dismissal.

Public School Bills Surviving Crossover – NCASA Is Neutral Or Seeking Changes:

- **House Bill 88, Healthy Youth Act**
An act to provide for abstinence until marriage and comprehensive sexuality education programs in grades seven through nine.
- **House Bill 804, Amend Law Re: Personal Education Plans**
An act to amend the law regarding personal education plans for students at risk of academic failure by requiring a plan when any at-risk indicator is noted and not having end-of-grade tests serve as the only indicator.
- **House Bill 856, Modify Charter School Law**
An act to raise the cap on the number of charter schools by six and to implement recommendations of the Blue Ribbon Commission on Charter Schools.
- **House Bill 1172, Take Voluntary Furloughs/State Government and Schools**
An act allowing state government employees and public school personnel to take voluntary furloughs to effect necessary economies in state expenditures, thereby reducing the need for reductions in force and mandatory furloughs during the current and any future economic crisis.
- **House Bill 1176, Reorganize Schools with High Dropout Rate**
An act to require local school administrative units to reorganize all high schools that have a high dropout rate to offer Career-Technical Education.
- **House Bill 1446, Amend Law Re: School Improvement Plans**
An act to amend the law relating to school improvement plans.
- **House Bill 1476, Government Immunity/Adequacy of Remedies**
An act to clarify when a claimant against an entity protected by governmental immunity has an adequate remedy at law.
- **Senate Bill 66, Require Arts Education Credit for Graduation**
An act directing the State Board of Education to require one arts education credit for graduation from high school as recommended by the Joint Select Committee on Arts Education.

- **Senate Bill 526, School Violence Prevention Act**
An act to define bullying or harassing behavior as used in the act as any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school sponsored function, or on a school bus, and that places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits; to define hostile environment as used in the act as meaning the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior; to provide that bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics; and to require all local school administrative units to adopt a policy prohibiting bullying and harassing behavior as required by the act.
- **Senate Bill 824, Bus Transportation/After-School Programs**
An act to authorize the use of yellow school buses to transport students home from after-school programs under certain circumstances.

Public School Bills Failing Crossover – Considered But Stalled/NCASA Opposed:

- **House Bill 583, Clarify Local School Board Sovereign Immunity**
An act to clarify that an adequate state remedy is provided in actions against local school boards only when sovereign immunity is waived.
- **House Bill 887/Senate Bill 1026, Local Government Tort Claims Act**
An act to establish a local government tort claims act that would eliminate governmental immunity for cities, counties and school boards.
- **House Bill 1054/Senate Bill 1023, Safer Schools**
An act to amend the law to make schools safer by requiring more on-campus offenses to be reported to law enforcement authorities.
- **House Bill 1116, Home Schoolers Participate in School Sports**
An act to permit home-schooled students to participate in interscholastic athletics. (Failed in House Education Committee on a vote of 17-16 thanks to concerns raised by NCASA members.)
- **Senate Bill 406, Classroom Experience for School Personnel**
An act to require annual classroom experience for all professional public school employees who are not classroom teachers. (Taken off the Senate floor and re-referred to Senate Appropriations.)

Public School Bills Failing Crossover – No Action Taken/NCASA Opposed:

- **House Bill 74, Spend 65% of School Funds in Classroom**
An act to ensure that at least sixty-five percent of school funding is used for classroom instruction.
- **House Bill 750/Senate Bill 178/Senate Bill 427, Restore Contract Rights to State/Local**
An act to repeal the prohibition on contracts between governmental entities and labor organizations for the purpose of collective bargaining.
- **House Bill 902, Up B-20 Biodiesel Purchases for School Buses**
An act to increase the percentage of biodiesel fuel of a minimum blend of B-20 that local boards of education must purchase statewide for use in school bus diesel engine motor vehicles and to require local boards of education to report these purchases to the State Board of Education.
- **House Bill 1036, Self-Contained Special Education/Grade Levels**

Act to require local boards of education to limit the number of grade levels in high school self-contained special education classrooms, as recommended by the Joint Legislative Education Oversight Committee.

- **House Bill 1291, Duty-Free Period for Teachers**
An act to ensure that all teachers have a duty-free instructional period and lunch period.
- **Senate Bill 377, Low Academic Performance/No Sports**
An act to prohibit participation in interscholastic athletics at schools at which academic performance is inadequate.
- **Senate Bill 927, Testing K-8 National Form Test**
An act to modify the state school testing program.
- **Senate Bill 977, Obesity Prevention in the Public Schools**
An act to establish an obesity prevention program in the public schools.

Public School Bills – Possible Appropriation Issues:

- **House Bill 229/Senate Bill 362, Retired Teachers Return to Work**
An act to modify the provision that permits retired teachers to return to the classroom without a loss of retirement benefits by shortening the waiting period between retirement and re-employment, extending the Oct. 1 sunset on the provision, and removing the prohibition on contractor service after retirement for all state employees, as recommended by the Joint Legislative Education Oversight Committee.
- **House Bill 242, No ABC Bonuses for Expected Growth**
An act to limit ABC bonuses to personnel at schools that exceed expected growth and to use the savings for salary increases for teachers.
- **House Bill 441, No Sunset/Teacher Personal Leave Provision**
An act to repeal the sunset on the law authorizing teachers to take personal leave without penalty under certain circumstances.
- **House Bill 443, Increase Class Size in the Public Schools**
An act to increase class size in the public schools.
- **House Bill 537/Senate Bill 306, New Assistant Principals/No Pay Decrease**
An act to ensure that teachers who become assistant principals do not experience a decrease in monthly pay.
- **House Bill 539, Merge Smart Start/More at Four**
An act to merge the "More at Four" program with the N.C. Partnership for Children, Inc.
- **Senate Bill 741, Increase Class Size for One Year Only**
An act to increase class size in the public schools for the 2009-2010 school year.

Summary Of This Week's Action On Bills Affecting Public Schools

For a complete summary of this week's legislative actions on legislation affecting public schools and their personnel, please see this week's "Weekly Bill Action Summary" at: <http://www.ncasa.net/displaycommon.cfm?an=1&subarticlenbr=227>. The same site offers a status report on all bills NCASA is tracking for our members during the 2009 legislative session, and that information is arranged in categories to make it easier to locate specific legislation of interest.

*For additional information on these or other legislative issues, contact
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