

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 97
Senate Education/Higher Education Committee Substitute Adopted 6/13/24
Corrected Copy 6/14/24

Short Title: Various Education Changes.

(Public)

Sponsors:

Referred to:

February 14, 2023

A BILL TO BE ENTITLED

AN ACT TO REORGANIZE CHAPTER 115D OF THE GENERAL STATUTES, TO MAKE VARIOUS CHANGES TO PROPRIETARY SCHOOL REQUIREMENTS, TO EXPAND THE CAREER AND COLLEGE READY GRADUATE PROGRAM, TO REQUIRE THE STATE BOARD OF COMMUNITY COLLEGES TO COMPETITIVELY SOLICIT FOR A LEARNING MANAGEMENT SYSTEM FOR ALL COMMUNITY COLLEGES, TO PROVIDE FLEXIBILITY TO FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE IN ENTERING A PUBLIC/PRIVATE PARTNERSHIP TO CONSTRUCT OR RENOVATE AN EDUCATIONAL FACILITY, TO MAKE CHANGES TO THE AI SCHOOL SAFETY PILOT PROGRAM, TO MAKE CHANGES TO THE SPECIAL NEEDS PILOT PROGRAM, AND TO INCREASE THE CLASSROOM HOUR REQUIREMENT FOR MASSAGE THERAPY LICENSURE.

The General Assembly of North Carolina enacts:

PART I. REORGANIZATION OF CHAPTER 115D

SECTION 1.(a) Article 1 of Chapter 115D of the General Statutes reads as rewritten:

"Article 1.

"General Provisions for State Administration.

"Part 1. Establishment and Administration of the North Carolina Community Colleges System.

"§ 115D-1. Statement of purpose.

The purposes of this Chapter are to provide for the establishment, organization, and administration of a system of educational institutions throughout the State offering courses of instruction in one or more of the general areas of two-year college parallel, technical, vocational, and adult education programs, to serve as a legislative charter for such institutions, and to authorize the levying of local taxes and the issuing of local bonds for the support thereof. The major purpose of each and every institution operating under the provisions of this Chapter shall be and shall continue to be the offering of vocational and technical education and training, and of basic, high school level, academic education needed in order to profit from vocational and technical education, for students who are high school graduates or who are beyond the compulsory age limit of the public school system and who have left the public schools, provided, juveniles of any age committed to the Division of Juvenile Justice of the Department of Public Safety by a court of competent jurisdiction may, if approved by the director of the youth development center to which they are assigned, take courses offered by institutions of the system if they are otherwise qualified for admission.



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1 The Community Colleges System Office is designated as the primary lead agency for
2 delivering workforce development training, adult literacy training, and adult education programs
3 in the State.

4 ~~"§ 115D-1.3. Accreditation of secondary school located in North Carolina shall not be a~~
5 ~~factor in admissions, loans, scholarships, or other educational policies.~~

6 (a) ~~For purposes of this section, the term "accreditation" shall include certification or any~~
7 ~~other similar approval process.~~

8 (b) ~~The State Board of Community Colleges shall adopt a policy that prohibits any~~
9 ~~community college from soliciting or using information regarding the accreditation of a~~
10 ~~secondary school located in North Carolina that a person attended as a factor affecting~~
11 ~~admissions, loans, scholarships, or other educational activity at the community college, unless~~
12 ~~the accreditation was conducted by a State agency.~~

13 ...

14 ~~"§ 115D-4.1. College transfer program approval; standards for programs; annual~~
15 ~~reporting requirements.~~

16 (a) ~~Repealed by Session Laws 1995, c. 288, s. 1, effective September 1, 1995.~~

17 (b) ~~The State Board of Community Colleges may approve the addition of the college~~
18 ~~transfer program to a community college. If addition of the college transfer program to an~~
19 ~~institution would require a substantial increase in funds, State Board approval shall be subject to~~
20 ~~appropriation of funds by the General Assembly for this purpose.~~

21 (c) ~~Addition of the college transfer program shall not decrease an institution's ability to~~
22 ~~provide programs within its basic mission of vocational and technical training and basic academic~~
23 ~~education.~~

24 (d) ~~The State Board of Community Colleges shall develop appropriate criteria and~~
25 ~~standards to regulate the addition of the college transfer program to institutions.~~

26 (e) ~~The State Board of Community Colleges shall develop appropriate criteria and~~
27 ~~standards to regulate the operation of college transfer programs.~~

28 (f) ~~The Board of Governors of The University of North Carolina shall report to each~~
29 ~~community college and to the State Board of Community Colleges in accordance with~~
30 ~~G.S. 116-11(10b) on the academic performance of that community college's transfer students. If~~
31 ~~the State Board of Community Colleges finds that college transfer students from a community~~
32 ~~college are not consistently performing adequately at a four year college, the Board shall review~~
33 ~~the community college's program and determine what steps are necessary to remedy the problem.~~
34 ~~The Board shall report annually to the General Assembly on the reports it receives and on what~~
35 ~~steps it is taking to remedy problems that it finds.~~

36 (g) ~~The Community Colleges System Office shall report by April 15, 2011, and annually~~
37 ~~thereafter, to the Joint Legislative Education Oversight Committee, the State Board of Education,~~
38 ~~the Office of State Budget and Management, and the Fiscal Research Division of the General~~
39 ~~Assembly on the implementation of the UNC-NCCCS 2+2 E-Learning Initiative. This report~~
40 ~~shall include:~~

- 41 (1) ~~The courses and programs within the 2+2 E-Learning Initiative;~~
- 42 (2) ~~The total number of prospective teachers that have taken or are taking part in~~
43 ~~this initiative to date broken down by the current academic period and each of~~
44 ~~the previous academic periods since the program's inception;~~
- 45 (3) ~~The total number of teachers currently in the State's classrooms, by local~~
46 ~~school administrative unit, who have taken part in this initiative;~~
- 47 (4) ~~The change in the number of teachers available to schools since the program's~~
48 ~~inception;~~
- 49 (5) ~~The qualitative data from students, teachers, local school administrative unit~~
50 ~~personnel, university personnel, and community college personnel as to the~~
51 ~~impact of this initiative on our State's teaching pool; and~~

1 (6) An explanation of the expenditures and collaborative programs between the
2 North Carolina Community College System and The University of North
3 Carolina, including recommendations for improvement.

4 ~~"§ 115D-5. Administration of institutions by State Board of Community Colleges;
5 personnel exempt from North Carolina Human Resources Act; extension
6 courses; tuition waiver; in-plant training; contracting, etc., for establishment
7 and operation of extension units of the community college system; use of existing
8 public school facilities.~~

9 (a) The State Board of Community Colleges may adopt and execute such policies,
10 regulations and standards concerning the establishment, administration, and operation of
11 institutions as the State Board may deem necessary to insure the quality of educational programs,
12 to promote the systematic meeting of educational needs of the State, and to provide for the
13 equitable distribution of State and federal funds to the several institutions.

14 The State Board of Community Colleges shall establish standards and scales for salaries and
15 allotments paid from funds administered by the State Board, and all employees of the institutions
16 shall be exempt from the provisions of the North Carolina Human Resources Act. Any and all
17 salary caps set by the State Board for community college presidents shall apply only to the
18 State paid portion of the salary. Except as otherwise provided by law, the employer contribution
19 rate on the local paid portion of the salary, to be paid from local funds, shall be set by the State
20 Treasurer based on actuarial recommendations. The State Board shall have authority with respect
21 to individual institutions: to approve sites, capital improvement projects, budgets; to approve the
22 selection of the chief administrative officer; to establish and administer standards for professional
23 personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas,
24 and certificates; to establish and regulate student tuition and fees within policies for tuition and
25 fees established by the General Assembly; and to establish and regulate financial accounting
26 procedures.

27 The State Board of Community Colleges shall require each community college to meet the
28 faculty credential requirements of its accrediting agency for all community college programs.

29 (a1) Notwithstanding G.S. 66-58(e)(3) or any other provisions of law, the State Board of
30 Community Colleges may adopt rules governing the expenditure of funds derived from bookstore
31 sales by community colleges. These expenditures shall be consistent with the mission and
32 purpose of the Community College System. Profits may be used in the support and enhancement
33 of the bookstores, for student aid or scholarships, for expenditures of direct benefit to students,
34 and for other similar expenditures authorized by the board of trustees, subject to rules adopted
35 by the State Board. These funds shall not be used to supplement salaries of any personnel.

36 (a2) The State Board of Community Colleges shall comply with the provisions of
37 G.S. 116-11(10a) to plan and implement an exchange of information between the public schools
38 and the institutions of higher education in the State.

39 (a3) The State Board of Community Colleges shall adopt the following rules to assist
40 community colleges in their administration of procedures necessary to implement G.S. 20-11 and
41 G.S. 20-13.2:

42 (1) To establish the procedures a person who is or was enrolled in a community
43 college must follow and the requirements that person must meet to obtain a
44 driving eligibility certificate.

45 (2) To require the person who is required under G.S. 20-11(n) to sign the driving
46 eligibility certificate to provide the certificate if he or she determines that one
47 of the following requirements is met:

48 a. The person seeking the certificate is eligible for the certificate under
49 G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).

50 b. The person seeking the certificate is eligible for the certificate under
51 G.S. 20-11(n)(1) and G.S. 20-11(n1).

1 (3) ~~To provide for an appeal through the grievance procedures established by the~~
2 ~~board of trustees of each community college by a person who is denied a~~
3 ~~driving eligibility certificate.~~

4 (4) ~~To define exemplary student behavior and to define what constitutes the~~
5 ~~successful completion of a drug or alcohol treatment counseling program.~~

6 ~~The State Board also shall develop policies as to when it is appropriate to~~
7 ~~notify the Division of Motor Vehicles that a person who is or was enrolled in~~
8 ~~a community college no longer meets the requirements for a driving eligibility~~
9 ~~certificate. The State Board also shall adopt guidelines to assist the presidents~~
10 ~~of community colleges in their designation of representatives to sign driving~~
11 ~~eligibility certificates.~~

12 ~~The State Board shall develop a form for the appropriate individuals to~~
13 ~~provide their written, irrevocable consent for a community college to disclose~~
14 ~~to the Division of Motor Vehicles that the student no longer meets the~~
15 ~~conditions for a driving eligibility certificate under G.S. 20-11(n)(1) or~~
16 ~~G.S. 20-11(n1), if applicable, in the event that this disclosure is necessary to~~
17 ~~comply with G.S. 20-11 or G.S. 20-13.2. Other than identifying under which~~
18 ~~statutory subsection the student is no longer eligible, no other details or~~
19 ~~information concerning the student's school record shall be released pursuant~~
20 ~~to this consent.~~

21 (b) ~~In order to make instruction as accessible as possible to all citizens, the teaching of~~
22 ~~curricular courses and of noncurricular extension courses at convenient locations away from~~
23 ~~institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata~~
24 ~~portion of the established regular tuition rate charged a full-time student shall be charged a~~
25 ~~part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of~~
26 ~~Community Colleges shall establish a uniform registration fee, or a schedule of uniform~~
27 ~~registration fees, to be charged students enrolling in extension courses for which instruction is~~
28 ~~financed primarily from State funds. The State Board of Community Colleges may provide by~~
29 ~~general and uniform regulations for waiver of tuition and registration fees for the following:~~

30 (1) ~~Persons not enrolled in elementary or secondary schools taking courses~~
31 ~~leading to a high school diploma or equivalent certificate.~~

32 (2) ~~Courses requested by the following entities that support the organizations'~~
33 ~~training needs and are on a specialized course list approved by the State Board~~
34 ~~of Community Colleges:~~

35 a. ~~Volunteer fire departments.~~

36 b. ~~Municipal, county, or State fire departments.~~

37 c. ~~Volunteer EMS or rescue and lifesaving departments.~~

38 d. ~~Municipal, county, or State EMS or rescue and lifesaving departments.~~

39 d1. ~~Law enforcement, fire, EMS or rescue and lifesaving entities serving~~
40 ~~a lake authority that was created by a county board of commissioners~~
41 ~~prior to July 1, 2012.~~

42 e. ~~Radio Emergency Associated Communications Teams (REACT)~~
43 ~~under contract to a county as an emergency response agency.~~

44 f. ~~Municipal, county, or State law enforcement agencies.~~

45 f1. ~~Campus police agencies of private institutions of higher education~~
46 ~~certified by the Attorney General pursuant to Chapter 74G of the~~
47 ~~General Statutes.~~

48 g. ~~The Division of Prisons of the Department of Adult Correction and the~~
49 ~~Division of Juvenile Justice of the Department of Public Safety for the~~
50 ~~training of full-time custodial employees and employees of the~~
51 ~~Divisions required to be certified under Article 1 of Chapter 17C of~~

- 1 the General Statutes and the rules of the Criminal Justice and Training
2 Standards Commission.
- 3 h. ~~Repealed by Session Laws 2017-186, s. 2(hhhhh), effective December~~
4 ~~1, 2017.~~
- 5 i. ~~The Eastern Band of Cherokee Indians law enforcement, fire, EMS or~~
6 ~~rescue and lifesaving tribal government departments or programs.~~
- 7 j. ~~The Criminal Justice Standards Division of the Department of Justice~~
8 ~~for the training of criminal justice professionals, as defined in~~
9 ~~G.S. 17C-20(6), who are required to be certified under (i) Article 1 of~~
10 ~~Chapter 17C of the General Statutes and the rules of the North~~
11 ~~Carolina Criminal Justice Education and Training Standards~~
12 ~~Commission or (ii) Chapter 17E of the General Statutes and the rules~~
13 ~~of the North Carolina Sheriffs' Education and Training Standards~~
14 ~~Commission. The waivers provided for in this sub-subdivision apply~~
15 ~~to participants and recent graduates of the North Carolina Criminal~~
16 ~~Justice Fellows Program to obtain certifications for eligible criminal~~
17 ~~justice professions as defined in G.S. 17C-20(6).~~
- 18 (2a) ~~Firefighters, EMS personnel, and rescue and lifesaving personnel whose duty~~
19 ~~station is located on a military installation within North Carolina for courses~~
20 ~~that support their organizations' training needs and are approved for this~~
21 ~~purpose by the State Board of Community Colleges.~~
- 22 (3) ~~Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1, 2011.~~
- 23 (4) ~~Trainees enrolled in courses conducted under the Customized Training~~
24 ~~Program.~~
- 25 (5) ~~through (9) Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1,~~
26 ~~2011.~~
- 27 (10) ~~Elementary and secondary school employees enrolled in courses in first aid or~~
28 ~~cardiopulmonary resuscitation (CPR).~~
- 29 (11) ~~Repealed by Session Laws 2013-360, s. 10.6, effective July 1, 2013.~~
- 30 (12) ~~All courses taken by high school students at community colleges, in~~
31 ~~accordance with G.S. 115D-20(4) and this section.~~
- 32 (13) ~~Human resources development courses for any individual who (i) is~~
33 ~~unemployed; (ii) has received notification of a pending layoff; (iii) is working~~
34 ~~and is eligible for the Federal Earned Income Tax Credit (FEITC); or (iv) is~~
35 ~~working and earning wages at or below two hundred percent (200%) of the~~
36 ~~federal poverty guidelines.~~
- 37 (14) ~~Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1, 2011.~~
- 38 (15) ~~Courses providing employability skills, job specific occupational or technical~~
39 ~~skills, or developmental education instruction to certain students who are~~
40 ~~concurrently enrolled in an eligible community college literacy course, in~~
41 ~~accordance with rules adopted by the State Board of Community Colleges.~~
- 42 (16) ~~Courses provided to students who are participating in a pre-apprenticeship or~~
43 ~~apprenticeship program that meets all of the following criteria:~~
- 44 a. ~~Meets one of the following:~~
- 45 1. ~~Is a registered apprenticeship program recognized by the~~
46 ~~United States Department of Labor.~~
- 47 2. ~~Is a pre-apprenticeship program recognized and approved by~~
48 ~~the State agency administering the statewide apprenticeship~~
49 ~~program.~~
- 50 b. ~~Has a documented plan of study with courses relating to a job specific~~
51 ~~occupational or technical skill.~~

1 e. ~~Requires the participants in the program to be North Carolina high~~
2 ~~school students when entering the program.~~

3 ~~The State Board of Community Colleges shall not waive tuition and registration fees for other~~
4 ~~individuals.~~

5 ~~(b1) The State Board of Community Colleges shall not waive tuition and registration fees~~
6 ~~for community college faculty or staff members. Community colleges may, however, use State~~
7 ~~or local funds to pay tuition and registration fees for one course per semester for full time~~
8 ~~community college faculty or staff members employed for a nine-, ten-, eleven-, or twelve-month~~
9 ~~term. Community colleges may also use State and local funds to pay tuition and registration fees~~
10 ~~for professional development courses and for other courses consistent with the academic~~
11 ~~assistance program authorized by the State Human Resources Commission.~~

12 ~~(b2) Beginning February 1, 2018, and annually thereafter, the Community Colleges~~
13 ~~System Office shall report to the Joint Legislative Education Oversight Committee on the number~~
14 ~~and type of waivers granted pursuant to subsection (b) of this section.~~

15 ~~(c) No course of instruction shall be offered by any community college at State expense~~
16 ~~or partial State expense to any captive or co-opted group of students, as defined by the State~~
17 ~~Board of Community Colleges, without prior approval of the State Board of Community~~
18 ~~Colleges. All course offerings approved for State prison inmates or prisoners in local jails must~~
19 ~~be tied to clearly identified job skills, transition needs, or both. Approval by the State Board of~~
20 ~~Community Colleges shall be presumed to constitute approval of both the course and the group~~
21 ~~served by that institution. The State Board of Community Colleges may delegate to the President~~
22 ~~the power to make an initial approval, with final approval to be made by the State Board of~~
23 ~~Community Colleges. A course taught without such approval will not yield any full time~~
24 ~~equivalent students, as defined by the State Board of Community Colleges.~~

25 ~~(c1) Community colleges shall report full-time equivalent (FTE) student hours for~~
26 ~~correction education programs on the basis of student membership hours. No community college~~
27 ~~shall operate a multi-entry/multi-exit class or program in a prison facility, except for a literacy~~
28 ~~class or program.~~

29 ~~The State Board shall work with the Division of Adult Correction and Juvenile Justice of the~~
30 ~~Department of Public Safety on offering classes and programs that match the average length of~~
31 ~~stay of an inmate in a prison facility.~~

32 ~~(c2) Courses in federal prisons shall not earn regular budget full-time equivalents, but may~~
33 ~~be offered on a self-supporting basis.~~

34 ~~(c3) Funds appropriated for community college courses for prison inmates shall be used~~
35 ~~only for inmates in State prisons. The first priority for the use of these funds shall be to restore~~
36 ~~the FTE for basic skills courses to the FY 2008-2009 level. Funds not needed for this purpose~~
37 ~~may be used for continuing education and curriculum courses related to job skills training.~~

38 ~~(d) Recodified as G.S. 115D-5.1(a) by Session Laws 2005-276, s. 8.4(a), effective July~~
39 ~~1, 2005.~~

40 ~~(e) Repealed by Session Laws 1999-84, s. 3, effective May 21, 1999.~~

41 ~~(f) A community college may not offer a new program without the approval of the State~~
42 ~~Board of Community Colleges except that approval shall not be required if the tuition for the~~
43 ~~program will fully cover the cost of the program. If at any time tuition fails to fully cover the cost~~
44 ~~of a program that falls under the exception, the program shall be discontinued unless approved~~
45 ~~by the State Board of Community Colleges. If a proposed new program would serve more than~~
46 ~~one community college, the State Board of Community Colleges shall perform a feasibility study~~
47 ~~prior to acting on the proposal. The State Board of Community Colleges shall consider whether~~
48 ~~a regional approach can be used when developing new programs and, to the extent possible, shall~~
49 ~~initiate new programs on a regional basis.~~

~~The State Board of Community Colleges shall collect data on an annual basis on all new programs and program terminations it approved and any regionalization of programs during the year, including the specific reasons for which each program was terminated or approved.~~

~~(f1) The State Board shall adopt a policy requiring community colleges to be accredited in accordance with G.S. 115D-6.2.~~

~~(g) Funds appropriated to the Community Colleges System Office as operating expenses for allocation to the institutions comprising the North Carolina Community College System shall not be used to support recreation extension courses. The financing of these courses by any institution shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students (FTE) for use in budget funding formulas at the State level.~~

~~(h) Whenever a community college offers real estate continuing education courses pursuant to G.S. 93A-4.1, the courses shall be offered on a self-supporting basis.~~

~~(i) Recodified as G.S. 115D-5.1(e) by Session Laws 2005-276, s. 8.4(a), effective July 1, 2005.~~

~~(j) The State Board of Community Colleges shall use its Board Reserve Fund for feasibility studies, pilot projects, start up of new programs, and innovative ideas.~~

~~(k) Recodified as G.S. 115D-5.1(b) by Session Laws 2005-276, s. 8.4(a), effective July 1, 2005.~~

~~(l) The State Board shall review and approve lease purchase and installment purchase contracts as provided under G.S. 115D-58.15(b). The State Board shall adopt policies and procedures governing the review and approval process.~~

~~(m) The State Board of Community Colleges shall maintain an accountability function that conducts periodic reviews of each community college operating under the provisions of this Chapter. The purpose of the compliance review shall be to ensure that (i) data used to allocate State funds among community colleges is reported accurately to the System Office and (ii) community colleges are charging and waiving tuition and registration fees consistent with law. The State Board of Community Colleges shall require the use of a statistically valid sample size in performing compliance reviews of community colleges. All compliance review findings that are determined to be material shall be forwarded to the college president, local college board of trustees, the State Board of Community Colleges, and the State Auditor. The State Board of Community Colleges shall adopt rules governing the frequency, scope, and standard of materiality for compliance reviews.~~

~~(n) The North Carolina Community Colleges System Office shall provide the Department of Revenue with a list of all community colleges, including name, address, and other identifying information requested by the Department of Revenue. The North Carolina Community Colleges System Office shall update this list whenever there is a change.~~

~~(o) All multicampus centers approved by the State Board of Community Colleges shall receive funding under the same formula. The State Board of Community Colleges shall not approve any additional multicampus centers without identified recurring sources of funding. A community college facility shall be considered a multicampus center if it meets all of the following criteria:~~

~~(1) Is at least 4 miles away from the main campus of the community college and other multicampus center locations.~~

~~(2) Any other criteria established by the State Board.~~

~~(p) The North Carolina Community College System may offer courses, in accordance with Article 17D of Subchapter V of Chapter 115C of the General Statutes, to individuals who choose to enter the teaching profession through residency licensure.~~

~~(q) Repealed by Session Laws 2009-451, s. 8.9, effective July 1, 2009.~~

1 ~~(r) The State Board of Community Colleges shall develop curriculum and continuing~~
2 ~~education standards for courses of instruction in American Sign Language and shall encourage~~
3 ~~community colleges to offer courses in American Sign Language as a modern foreign language.~~

4 ~~(s) The State Board of Community Colleges may establish, retain and budget fees~~
5 ~~charged to students taking an adult high school equivalency diploma test, including fees for~~
6 ~~retesting. Fees collected for this purpose shall be used only to (i) offset the costs of the test,~~
7 ~~including the cost of scoring the test, (ii) offset the costs of printing adult high school equivalency~~
8 ~~diplomas, and (iii) meet federal and State reporting requirements related to the test.~~

9 ~~(t) The purpose of the first semester of the Gateway to College Program is to address~~
10 ~~additional support to successfully complete the program. Students may need to take~~
11 ~~developmental courses necessary for the transition to more challenging courses; therefore, the~~
12 ~~State Board of Community Colleges shall (i) permit high school students who are enrolled in~~
13 ~~Gateway to College Programs to enroll in developmental courses based on an assessment of their~~
14 ~~individual student needs by a high school and community college staff team and (ii) include this~~
15 ~~coursework in computing the budget FTE for the colleges.~~

16 ~~(u) The State Board of Community Colleges shall direct each community college to adopt~~
17 ~~a policy that authorizes a minimum of two excused absences each academic year for religious~~
18 ~~observances required by the faith of a student. The policy may require that the student provide~~
19 ~~written notice of the request for an excused absence a reasonable time prior to the religious~~
20 ~~observance. The policy shall also provide that the student shall be given the opportunity to make~~
21 ~~up any tests or other work missed due to an excused absence for a religious observance.~~

22 ~~(v) Community colleges may teach curriculum courses at any time during the year,~~
23 ~~including the summer term. Student membership hours from these courses shall be counted when~~
24 ~~computing full-time equivalent students (FTE) for use in budget funding formulas at the State~~
25 ~~level.~~

26 ~~(w) The State Board of Community Colleges shall review, at least every five years,~~
27 ~~service areas that include counties assigned to more than one community college to determine~~
28 ~~the feasibility of continuing to assign those counties to more than one community college. The~~
29 ~~State Board shall revise service areas as needed to ensure that counties are served effectively.~~
30 ~~The first review and any revisions shall be completed no later than March 1, 2016, and the State~~
31 ~~Board shall report its findings and any revisions to the Joint Legislative Education Oversight~~
32 ~~Committee no later than March 1, 2016. All subsequent reviews and revisions shall also be~~
33 ~~submitted to the Committee.~~

34 ~~(x) In addition to the evaluation of cooperative innovative high schools by the State Board~~
35 ~~of Education pursuant to G.S. 115C-238.55, the State Board of Community Colleges, in~~
36 ~~conjunction with the State Board of Education and the Board of Governors of The University of~~
37 ~~North Carolina, shall evaluate the success of students participating in the Career and College~~
38 ~~Promise Program, including the College Transfer pathway and the Career and Technical~~
39 ~~Education pathway. Success shall be measured by high school retention rates, high school~~
40 ~~completion rates, high school dropout rates, certification and associate degree completion,~~
41 ~~admission to four-year institutions, postgraduation employment in career or study-related fields,~~
42 ~~and employer satisfaction of employees who participated in the programs. The evaluation shall~~
43 ~~also include an analysis of the cost of students participating in each of the programs within the~~
44 ~~Career and College Promise Program, including at least the following:~~

45 ~~(1) Total enrollment funding, the number of budgeted full-time equivalent~~
46 ~~students, and the number of students enrolled in courses through cooperative~~
47 ~~innovative high schools, the College Transfer pathway, and the Career and~~
48 ~~Technical Education pathway.~~

49 ~~(2) The cost and number of waivers of tuition and registration fees provided for~~
50 ~~students enrolled in courses through cooperative innovative high schools, the~~
51 ~~College Transfer pathway, and the Career and Technical Education pathway.~~

- 1 (3) Any additional costs of a student attending courses on campus if a student is
2 not attending public school in a local school administrative unit for the
3 majority of the student's instructional time.

4 The Boards shall jointly report by March 15 of each year to the Joint Legislative Education
5 Oversight Committee, the Senate Appropriations Committee on Education/Higher Education, the
6 House Appropriations Committee on Education, and the Fiscal Research Division of the General
7 Assembly. The report shall be combined with the evaluation of cooperative innovative high
8 schools required by G.S. 115C-238.55, and the Community Colleges System Office shall be
9 responsible for submitting the combined report.

10 (y) The State Board of Community Colleges shall adopt a policy to be applied uniformly
11 throughout the Community College System to provide that any student enrolled in a community
12 college who is a National Guard service member placed onto State active duty status during an
13 academic term shall be given an excused absence for the period of time the student is on active
14 duty. The policy shall further provide all of the following:

- 15 (1) The student shall be given the opportunity to make up any test or other work
16 missed during the excused absence.
17 (2) The student shall be given the option, when feasible, to continue classes and
18 coursework during the academic term through online participation for the
19 period of time the student is placed on active duty.
20 (3) The student shall be given the option of receiving a temporary grade of
21 "incomplete (IN)" or "absent from the final exam (AB)" for any course that
22 the student was unable to complete as a result of being placed on State active
23 duty status; however, the student must complete the course requirements
24 within the period of time specified by the community college to avoid
25 receiving a failing grade for the course.
26 (4) The student shall be permitted to drop, with no penalty, any course that the
27 student was unable to complete as a result of being placed on State active duty
28 status.

29 (z) The State Board of Community Colleges shall monitor community colleges for
30 compliance with Article 38 of Chapter 116 of the General Statutes. If the State Board determines
31 that a community college is in violation of Article 38, it shall report the identity of the community
32 college to the Joint Legislative Education Oversight Committee.

33 "~~§ 115D-5.1. Workforce Development Programs.~~

34 (a) Community colleges shall assist in the preemployment and in-service training of
35 employees in industry, business, agriculture, health occupation and governmental agencies. Such
36 training shall include instruction on worker safety and health standards and practices applicable
37 to the field of employment. The State Board of Community Colleges shall make appropriate
38 regulations including the establishment of maximum hours of instruction which may be offered
39 at State expense in each in-plant training program. No instructor or other employee of a
40 community college shall engage in the normal management, supervisory and operational
41 functions of the establishment in which the instruction is offered during the hours in which the
42 instructor or other employee is employed for instructional or educational purposes.

43 (b) through (d) Repealed by Session Laws 2008-107, s. 8.7(a), effective July 1, 2008.

44 (e) There is created within the North Carolina Community College System the
45 Customized Training Program. The Customized Training Program shall offer programs and
46 training services to assist new and existing business and industry to remain productive, profitable,
47 and within the State. Before a business or industry qualifies to receive assistance under the
48 Customized Training Program, the President of the North Carolina Community College System
49 shall determine that:

- 50 (1) The business is making an appreciable capital investment;
51 (2) The business is deploying new technology;

- 1 (2a) The business or individual is creating jobs, expanding an existing workforce,
2 or enhancing the productivity and profitability of the operations within the
3 State; and
- 4 (3) The skills of the workers will be enhanced by the assistance.
- 5 (f) The Community Colleges System Office shall report no later than September 1 of
6 each year to the Joint Legislative Education Oversight Committee on:
- 7 (1) The total amount of funds received by a company under the Customized
8 Training Program.
- 9 (1a) The types of services sought by the company, whether for new, expanding, or
10 existing industry.
- 11 (2) The amount of funds per trainee received by that company.
- 12 (3) The amount of funds received per trainee by the community college delivering
13 the training.
- 14 (4) The number of trainees trained by the company and community college.
- 15 (5) The number of years that company has been funded.
- 16 (f1) Notwithstanding any other provision of law, the State Board of Community Colleges
17 may adopt guidelines that allow the Customized Training Program to use funds appropriated for
18 that program to support training projects for the various branches of the Armed Forces of the
19 United States.
- 20 (f2) Funds available to the Customized Training Program shall not revert at the end of a
21 fiscal year but shall remain available until expended. Up to ten percent (10%) of the
22 college delivered training expenditures and up to five percent (5%) of the contractor delivered
23 training expenditures for the prior fiscal year for Customized Training may be allotted to each
24 college for capacity building at that college.
- 25 (f3) Of the funds appropriated in a fiscal year for the Customized Training Programs, the
26 State Board of Community Colleges may approve the use of up to eight percent (8%) for the
27 training and support of regional community college personnel to deliver Customized Training
28 Program services to business and industry.
- 29 (g) The State Board shall adopt guidelines to implement this section. At least 20 days
30 before the effective date of any criteria or nontechnical amendments to guidelines, the State
31 Board must publish the proposed guidelines on the Community Colleges System Office's web
32 site and provide notice to persons who have requested notice of proposed guidelines. In addition,
33 the State Board must accept oral and written comments on the proposed guidelines during the 15
34 business days beginning on the first day that the State Board has completed these notifications.
35 For the purpose of this subsection, a technical amendment is either of the following:
- 36 (1) An amendment that corrects a spelling or grammatical error.
- 37 (2) An amendment that makes a clarification based on public comment and could
38 have been anticipated by the public notice that immediately preceded the
39 public comment.
- 40 "~~§ 115D-5.1A. Short Term Workforce Development Grant Program.~~
- 41 (a) Program Established.— There is established the North Carolina Community College
42 Short Term Workforce Development Grant Program (Program) to be administered by the State
43 Board of Community Colleges. The State Board shall adopt rules for the disbursement of the
44 grants pursuant to this section.
- 45 (b) Programs of Study.— The State Board of Community Colleges, in collaboration with
46 the Department of Commerce, shall determine the eligible programs of study for the Program,
47 according to the occupations that are in the highest demand in the State. The eligible programs
48 of study shall include programs such as architecture and construction, health sciences,
49 information technology, electrical line worker, and manufacturing programs and may include
50 other programs to meet local workforce needs.

1 (c) Award Amounts.—To the extent funds are made available for the Program, the State
2 Board of Community Colleges shall award grants in an amount of up to seven hundred fifty
3 dollars (~~\$750.00~~) to students pursuing short term, noncredit State and industry workforce
4 credentials. The State Board of Community Colleges shall establish criteria for initial and
5 continuing eligibility for students. At a minimum, students shall be required to qualify as a
6 resident for tuition purposes under the criteria set forth in G.S. 116-143.1 and in accordance with
7 the coordinated and centralized residency determination process administered by the State
8 Education Assistance Authority.

9 (d) Report.—The State Board shall submit a report by April 1, 2024, and annually
10 thereafter, on the Program to the Joint Legislative Education Oversight Committee and the Fiscal
11 Research Division. The report shall contain, for each academic year and by programs of study,
12 the amount of grant funds disbursed and the number of eligible students receiving funds.

13 ~~"§ 115D-5.2. Commercial fishing and aquaculture classes.~~

14 (a) The General Assembly urges all community colleges serving the coastal area of the
15 State to offer classes on commercial fishing and aquaculture.

16 (b) The North Carolina Community Colleges System Office shall provide technical
17 assistance to these colleges on offering such classes.

18 (c) The North Carolina Community Colleges System Office shall report to the Joint
19 Legislative Education Oversight Committee on any fiscal and administrative issues it identifies
20 that limit colleges' ability to offer such courses.

21 ~~"§ 115D-5.5. Board Reserve Fund.~~

22 The State Board of Community Colleges shall use its Board Reserve Fund for feasibility
23 studies, pilot projects, start-up of new programs, and innovative ideas.

24 "Part 2. Administration of Local Community Colleges by State Board of Community Colleges.

25 ~~"§ 115D-6. Withdrawal of State support.~~

26 The State Board of Community Colleges may withdraw or withhold State financial and
27 administrative support of any institutions subject to the provisions of this Chapter in the event
28 ~~that~~ of any of the following:

29 (1) The required local financial support of an institution is not ~~provided~~; provided.

30 (2) Sufficient State funds are not ~~available~~; available.

31 (3) The officials of an institution refuse or are unable to maintain prescribed
32 standards of administration or ~~instruction~~; or instruction.

33 (4) Local educational needs for such an institution cease to exist.

34 ~~"§ 115D-6.1. Administration of institutions.~~

35 (a) Policies. – The State Board of Community Colleges may adopt and execute such
36 policies, regulations, and standards concerning the establishment, administration, and operation
37 of institutions as the State Board may deem necessary to ensure the quality of educational
38 programs, to promote the systematic meeting of educational needs of the State, and to provide
39 for the equitable distribution of State and federal funds to the several institutions.

40 (b) Authority. – The State Board shall have the following authority with respect to
41 individual institutions:

42 (1) To approve sites, capital improvement projects, and budgets.

43 (2) To approve the selection of the chief administrative officer.

44 (3) To establish and administer standards for professional personnel, curricula,
45 admissions, and graduation.

46 (4) To regulate the awarding of degrees, diplomas, and certificates.

47 (5) To establish and regulate student tuition and fees within policies for tuition
48 and fees established by the General Assembly.

49 (6) To establish and regulate financial accounting procedures.

50 (c) Salaries. – The State Board shall establish standards and scales for salaries and
51 allotments paid from funds administered by the State Board, and all employees of the institutions

1 shall be exempt from the provisions of the North Carolina Human Resources Act. Any and all
2 salary caps set by the State Board for community college presidents shall apply only to the
3 State-paid portion of the salary. Except as otherwise provided by law, the employer contribution
4 rate on the local-paid portion of the salary, to be paid from local funds, shall be set by the State
5 Treasurer based on actuarial recommendations.

6 (d) Faculty Credentials. – The State Board of Community Colleges shall require each
7 community college to meet the faculty credential requirements of its accrediting agency for all
8 community college programs.

9 **"§ 115D-6.2. Accreditation. Accreditation policy.**

10 The State Board of Community Colleges shall adopt a policy requiring community colleges
11 to be accredited in accordance with G.S. 115D-21.2.

12 (a) Definitions.— The following definitions apply in this section:

- 13 (1) Accreditation cycle.— The period of time during which a community college
14 is accredited.
15 (2) Accrediting agency.— An agency or association that accredits institutions of
16 higher education.
17 (3) Regional accrediting agency.— One of the following accrediting agencies:
18 a. Higher Learning Commission.
19 b. Middle States Commission on Higher Education.
20 c. New England Commission on Higher Education.
21 d. Northwest Commission on Colleges and Universities.
22 e. Southern Association of Colleges and Schools Commission on
23 Colleges.
24 f. Western Association of Schools and Colleges Accrediting
25 Commission for Community and Junior Colleges.

26 (b) Prohibit Consecutive Accreditation by an Accrediting Agency.— A community
27 college shall not receive accreditation by an accrediting agency for consecutive accreditation
28 cycles except as provided in subsection (c) of this section.

29 (c) Accreditation Transfer Procedure.— A community college that pursues accreditation
30 with a different accrediting agency in accordance with this section shall pursue accreditation with
31 a regional accrediting agency. If the community college is not granted candidacy status by any
32 regional accrediting agency that is different from its current accrediting agency at least three
33 years prior to the expiration of its current accreditation, the community college may remain with
34 its current accrediting agency for an additional accreditation cycle.

35 (d) Certain Programs Exempt.— The requirements of this section do not apply to
36 professional, departmental, or certificate programs at community colleges that have specific
37 accreditation requirements or best practices, as identified by the State Board of Community
38 Colleges.

39 (e) Cause of Action.— A community college may bring a civil action, as follows:

- 40 (1) Against any person who makes a false statement to the accrediting agency of
41 the community college, if all of the following criteria are met:
42 a. The statement, if true, would mean the community college is out of
43 compliance with its accreditation standards.
44 b. The person made the statement with knowledge that the statement was
45 false or with reckless disregard as to whether it was false.
46 c. The accrediting agency conducted a review of the community college
47 as a proximate result of the statement.
48 d. The review caused the community college to incur costs.
49 (2) A community college that prevails on a cause of action initiated pursuant to
50 this subsection shall be entitled to the following:

- 1 a. ~~Costs related to the review conducted by the accrediting agency,~~
2 ~~including for the following:~~
3 1. ~~Additional hours worked by community college personnel.~~
4 2. ~~Contracted services, including outside legal counsel.~~
5 3. ~~Travel, lodging, and food expenses.~~
6 4. ~~Fees required by the agency.~~
7 b. ~~Reasonable attorney fees.~~
8 e. ~~Court costs.~~

9 **"§ 115D-6.5. Notice of noncompliance; appointment of an interim board of trustees.**

10 ...

11 (c) Interim Board Assumption of Powers and Duties. – The adoption of the resolution to
12 remove the full board under this section shall have the effect of vacating the terms of all of the
13 members serving on the board of trustees. Notwithstanding G.S. 115D-12, the State Board of
14 Community Colleges shall appoint an interim five-member board of trustees for a period not to
15 exceed 12 months with input from the advisory committee listed in subsection (a) of this section.
16 To preserve local autonomy, the appointing authorities of the local administrative area of the
17 community college under G.S. 115D-12 shall make recommendations to the State Board on the
18 appointment of the members to the interim board of trustees. All appointees to the interim board
19 of trustees shall be residents of the administrative area of the institution for which they are
20 selected or of counties contiguous thereto with the exception of members provided for in
21 subsection (a) of G.S. 115D-12, ~~Group Four~~. G.S. 115D-12(a)(3). At the end of the period of
22 service of the interim board of trustees, a board of trustees for the community college shall be
23 appointed in accordance with G.S. 115D-12. Initial terms of members of the new board of
24 trustees shall be staggered to align with the remainder of the vacated terms of the members of the
25 board of trustees.

26 ...

27 **"§ 115D-9.5. Bookstore sales.**

28 Notwithstanding G.S. 66-58(c)(3) or any other provisions of law, the State Board of
29 Community Colleges may adopt rules governing the expenditure of funds derived from bookstore
30 sales by community colleges. These expenditures shall be consistent with the mission and
31 purpose of the Community College System. Profits may be used in the support and enhancement
32 of the bookstores, for student aid or scholarships, for expenditures of direct benefit to students,
33 and for other similar expenditures authorized by the board of trustees, subject to rules adopted
34 by the State Board. These funds shall not be used to supplement salaries of any personnel.

35 **"§ 115D-9.10. Exchange of information with The University of North Carolina and North**
36 **Carolina public schools.**

37 The State Board of Community Colleges shall comply with the provisions of
38 G.S. 116-11(10a) to plan and implement an exchange of information between the public schools
39 and the institutions of higher education in the State.

40 **"§ 115D-9.15. Lease purchase and installment contracts.**

41 The State Board of Community Colleges shall review and approve lease purchase and
42 installment purchase contracts as provided under G.S. 115D-58.15(b). The State Board shall
43 adopt policies and procedures governing the review and approval process.

44 **"§ 115D-9.20. Compliance review and requested information.**

45 (a) Compliance Review. – The State Board of Community Colleges shall maintain an
46 accountability function that conducts periodic reviews of each community college operating
47 under the provisions of this Chapter. The purpose of the compliance review shall be to ensure
48 that (i) data used to allocate State funds among community colleges is reported accurately to the
49 System Office and (ii) community colleges are charging and waiving tuition and registration fees
50 consistent with law. The State Board of Community Colleges shall require the use of a
51 statistically valid sample size in performing compliance reviews of community colleges. All

1 compliance review findings that are determined to be material shall be forwarded to the college
2 president, local college board of trustees, the State Board of Community Colleges, and the State
3 Auditor. The State Board of Community Colleges shall adopt rules governing the frequency,
4 scope, and standard of materiality for compliance reviews.

5 (b) Information to Department of Revenue. – The North Carolina Community Colleges
6 System Office shall provide the Department of Revenue with a list of all community colleges,
7 including name, address, and other identifying information requested by the Department of
8 Revenue. The North Carolina Community Colleges System Office shall update this list whenever
9 there is a change.

10 **"§ 115D-9.25. Multicampus centers.**

11 All multicampus centers approved by the State Board of Community Colleges shall receive
12 funding under the same formula. The State Board of Community Colleges shall not approve any
13 additional multicampus centers without identified recurring sources of funding. A community
14 college facility shall be considered a multicampus center if it meets the criteria established by the
15 State Board and is at least 4 miles away from the main campus of the community college and
16 other multicampus center locations.

17 **"§ 115D-9.30. Service areas.**

18 The State Board of Community Colleges shall review, at least every five years, service areas
19 that include counties assigned to more than one community college to determine the feasibility
20 of continuing to assign those counties to more than one community college. The State Board
21 shall revise service areas as needed to ensure that counties are served effectively. The State Board
22 shall report its findings and any revisions to the Joint Legislative Education Oversight Committee
23 within 60 days of revisions being made.

24 **"§ 115D-9.35. Athletic teams.**

25 The State Board of Community Colleges shall monitor community colleges for compliance
26 with Article 38 of Chapter 116 of the General Statutes. If the State Board determines that a
27 community college is in violation of Article 38 of Chapter 116 of the General Statutes, it shall
28 report the identity of the community college to the Joint Legislative Education Oversight
29 Committee.

30 ...

31 **"Part 3. Community College Programs.**

32 **"§ 115D-10.5. Program funding.**

33 (a) New Programs and Terminations of Programs. – A community college may not offer
34 a new program without the approval of the State Board of Community Colleges except that
35 approval shall not be required if the tuition for the program will fully cover the cost of the
36 program. If at any time tuition fails to fully cover the cost of a program that falls under the
37 exception, the program shall be discontinued unless approved by the State Board. If a proposed
38 new program would serve more than one community college, the State Board shall perform a
39 feasibility study prior to acting on the proposal. The State Board shall consider whether a regional
40 approach can be used when developing new programs and, to the extent possible, shall initiate
41 new programs on a regional basis. The State Board shall collect data on an annual basis on all
42 new programs and program terminations it approved and any regionalization of programs during
43 the year, including the specific reasons for which each program was terminated or approved.

44 (b) Recreation Extension Courses. – Funds appropriated to the Community Colleges
45 System Office as operating expenses for allocation to the institutions comprising the North
46 Carolina Community College System shall not be used to support recreation extension courses.
47 The financing of these courses by any institution shall be on a self-supporting basis, and
48 membership hours produced from these activities shall not be counted when computing full-time
49 equivalent students (FTE) for use in budget-funding formulas at the State level.

50 (c) Real Estate Continuing Education Courses. – Whenever a community college offers
51 real estate continuing education courses, the courses shall be offered on a self-supporting basis.

1 **"§ 115D-10.10. College transfer program approval; standards for programs; annual**
2 **reporting requirements.**

3 (a) The State Board of Community Colleges may approve the addition of the college
4 transfer program to a community college. If addition of the college transfer program to an
5 institution would require a substantial increase in funds, State Board approval shall be subject to
6 appropriation of funds by the General Assembly for this purpose.

7 (b) Addition of the college transfer program shall not decrease an institution's ability to
8 provide programs within its basic mission of vocational and technical training and basic academic
9 education.

10 (c) The State Board of Community Colleges shall develop appropriate criteria and
11 standards to regulate the addition of the college transfer program to institutions.

12 (d) The State Board of Community Colleges shall develop appropriate criteria and
13 standards to regulate the operation of college transfer programs.

14 (e) The Board of Governors of The University of North Carolina shall report to each
15 community college and to the State Board of Community Colleges in accordance with
16 G.S. 116-11(10b) on the academic performance of that community college's transfer students. If
17 the State Board of Community Colleges finds that college transfer students from a community
18 college are not consistently performing adequately at a four-year college, the Board shall review
19 the community college's program and determine what steps are necessary to remedy the problem.
20 The Board shall report annually to the General Assembly on the reports it receives and on what
21 steps it is taking to remedy problems that it finds.

22 (f) The Community Colleges System Office shall report annually by April 15 to the Joint
23 Legislative Education Oversight Committee, the State Board of Education, the Office of State
24 Budget and Management, and the Fiscal Research Division of the General Assembly on the
25 implementation of the UNC-NCCCS 2+2 E-Learning Initiative. This report shall include the
26 following:

- 27 (1) The courses and programs within the 2+2 E-Learning Initiative.
- 28 (2) The total number of prospective teachers that have taken or are taking part in
29 this initiative to date broken down by the current academic period and each of
30 the previous academic periods since the program's inception.
- 31 (3) The total number of teachers currently in the State's classrooms, by local
32 school administrative unit, who have taken part in this initiative.
- 33 (4) The change in the number of teachers available to schools since the program's
34 inception.
- 35 (5) The qualitative data from students, teachers, local school administrative unit
36 personnel, university personnel, and community college personnel as to the
37 impact of this initiative on our State's teaching pool.
- 38 (6) An explanation of the expenditures and collaborative programs between the
39 North Carolina Community College System and The University of North
40 Carolina, including recommendations for improvement.

41 **"§ 115D-10.15. Workforce Development Programs.**

42 Community colleges shall assist in the preemployment and in-service training of employees
43 in industry, business, agriculture, health occupation, and governmental agencies. Such training
44 shall include instruction on worker safety and health standards and practices applicable to the
45 field of employment. The State Board of Community Colleges shall make appropriate regulations
46 including the establishment of maximum hours of instruction which may be offered at State
47 expense in each in-plant training program. No instructor or other employee of a community
48 college shall engage in the normal management, supervisory and operational functions of the
49 establishment in which the instruction is offered during the hours in which the instructor or other
50 employee is employed for instructional or educational purposes.

51 **"§ 115D-10.17. Customized Training Program.**

1 (a) There is created within the North Carolina Community College System the
2 Customized Training Program. The Customized Training Program shall offer programs and
3 training services to assist new and existing business and industry to remain productive, profitable,
4 and within the State. Before a business or industry qualifies to receive assistance under the
5 Customized Training Program, the President of the North Carolina Community College System
6 shall determine the following:

7 (1) The business is making an appreciable capital investment.

8 (2) The business is deploying new technology.

9 (3) The business or individual is creating jobs, expanding an existing workforce,
10 or enhancing the productivity and profitability of the operations within the
11 State.

12 (4) The skills of the workers will be enhanced by the assistance.

13 (b) The Community Colleges System Office shall report no later than September 1 of
14 each year to the Joint Legislative Education Oversight Committee on the following:

15 (1) The total amount of funds received by a company under the Customized
16 Training Program.

17 (2) The types of services sought by the company, whether for new, expanding, or
18 existing industry.

19 (3) The amount of funds per trainee received by that company.

20 (4) The amount of funds received per trainee by the community college delivering
21 the training.

22 (5) The number of trainees trained by the company and community college.

23 (6) The number of years that company has been funded.

24 (c) Notwithstanding any other provision of law, the State Board of Community Colleges
25 may adopt guidelines that allow the Customized Training Program to use funds appropriated for
26 that program to support training projects for the various branches of the Armed Forces of the
27 United States.

28 (d) Funds available to the Customized Training Program shall not revert at the end of a
29 fiscal year but shall remain available until expended. Up to ten percent (10%) of the
30 college-delivered training expenditures and up to five percent (5%) of the contractor-delivered
31 training expenditures for the prior fiscal year for Customized Training may be allotted to each
32 college for capacity building at that college.

33 (e) Of the funds appropriated in a fiscal year for the Customized Training Program, the
34 State Board of Community Colleges may approve the use of up to eight percent (8%) for the
35 training and support of regional community college personnel to deliver Customized Training
36 Program services to business and industry.

37 (f) The State Board shall adopt guidelines to implement this section. At least 20 days
38 before the effective date of any criteria or nontechnical amendments to guidelines, the State
39 Board must publish the proposed guidelines on the Community Colleges System Office's website
40 and provide notice to persons who have requested notice of proposed guidelines. In addition, the
41 State Board must accept oral and written comments on the proposed guidelines during the 15
42 business days beginning on the first day that the State Board has completed these notifications.
43 For the purpose of this subsection, a technical amendment is either of the following:

44 (1) An amendment that corrects a spelling or grammatical error.

45 (2) An amendment that makes a clarification based on public comment and could
46 have been anticipated by the public notice that immediately preceded the
47 public comment.

48 **"§ 115D-10.19. Short-Term Workforce Development Grant Program.**

49 (a) Program Established. – There is established the North Carolina Community College
50 Short-Term Workforce Development Grant Program (Program) to be administered by the State

1 Board of Community Colleges. The State Board shall adopt rules for the disbursement of the
2 grants pursuant to this section.

3 (b) Programs of Study. – The State Board of Community Colleges, in collaboration with
4 the Department of Commerce, shall determine the eligible programs of study for the Program,
5 according to the occupations that are in the highest demand in the State. The eligible programs
6 of study shall include programs such as architecture and construction, health sciences,
7 information technology, electrical line worker, and manufacturing programs and may include
8 other programs to meet local workforce needs.

9 (c) Award Amounts. – To the extent funds are made available for the Program, the State
10 Board of Community Colleges shall award grants in an amount of up to seven hundred fifty
11 dollars (\$750.00) to students pursuing short-term, noncredit State and industry workforce
12 credentials. The State Board of Community Colleges shall establish criteria for initial and
13 continuing eligibility for students. At a minimum, students shall be required to qualify as a
14 resident for tuition purposes under the criteria set forth in G.S. 116-143.1 and in accordance with
15 the coordinated and centralized residency determination process administered by the State
16 Education Assistance Authority.

17 (d) Report. – The State Board shall submit a report by April 1 annually on the Program
18 to the Joint Legislative Education Oversight Committee and the Fiscal Research Division. The
19 report shall contain, for each academic year and by programs of study, the amount of grant funds
20 disbursed and the number of eligible students receiving funds.

21 **"§ 115D-10.21. Training programs for students with intellectual and developmental**
22 **disabilities.**

23 (a) The State Board of Community Colleges shall establish a community college training
24 program for up to 15 community colleges. The program shall provide opportunities for
25 micro-credentials or other credentials that lead to increased employment outcomes for
26 individuals with intellectual and developmental disabilities (IDD). To the extent funds are
27 appropriated for this purpose, the program shall improve the ability of participating community
28 colleges to offer training and educational components that include improving employability skills
29 and providing on-the-job training and apprenticeships with business and industry for individuals
30 with IDD. The goal of the program shall be to inform community colleges and address
31 cross-departmental supports within the individual community colleges on programs for
32 individuals with IDD related to at least the following:

33 (1) Establishing best practices for providing vocational training for individuals
34 with IDD.

35 (2) Providing financial and benefits counseling.

36 (3) Developing strategies on integrating assistive technology.

37 (4) Maximizing access, with supports, to credential and degree programs,
38 including micro-credentials that are established by the State Board.

39 (5) Identifying methods to increase orientation and integration of individuals with
40 IDD into the college community to the greatest extent possible.

41 (6) Determining a needs assessment, marketing, and evaluation to serve a broad
42 array of individuals with developmental and other similar disabilities or
43 learning challenges to assure adequate demand for new or existing programs.

44 (b) No later than May 1 of each year, the Community Colleges System Office shall report
45 on the funds appropriated to the System Office for the purposes of this section to the Joint
46 Legislative Education Oversight Committee and the Fiscal Research Division. At a minimum,
47 the report shall address the impact of the program, the use of any additional positions created at
48 community colleges, professional development training for staff, and funding sources identified
49 for individuals with IDD to build programs at community colleges that support postsecondary
50 trainings and certifications that enable individuals with IDD to engage in competitive, sustainable
51 employment.

1 **"§ 115D-10.25. Commercial fishing and aquaculture classes.**

2 (a) The General Assembly urges all community colleges serving the coastal area of the
3 State to offer classes on commercial fishing and aquaculture.

4 (b) The North Carolina Community Colleges System Office shall provide technical
5 assistance to these colleges on offering such classes.

6 (c) The North Carolina Community Colleges System Office shall report to the Joint
7 Legislative Education Oversight Committee on any fiscal and administrative issues it identifies
8 that limit colleges' ability to offer such courses.

9 **"§ 115D-10.30. Correction education programs.**

10 (a) Approval. – No course of instruction shall be offered by any community college at
11 State expense or partial State expense to any captive or co-opted group of students, as defined by
12 the State Board of Community Colleges, without prior approval of the State Board. All course
13 offerings approved for State prison inmates or prisoners in local jails must be tied to clearly
14 identified job skills, transition needs, or both. Approval by the State Board shall be presumed to
15 constitute approval of both the course and the group served by that institution. The State Board
16 may delegate to the President the power to make an initial approval, with final approval to be
17 made by the State Board. A course taught without such approval will not yield any full-time
18 equivalent students, as defined by the State Board. Community colleges shall report full-time
19 equivalent (FTE) student hours for correction education programs on the basis of student
20 membership hours. Funds appropriated for community college courses for prison inmates shall
21 be used only for inmates in State prisons. The first priority for the use of these funds shall be to
22 restore the FTE for basic skills courses to the FY 2008-2009 level. Funds not needed for this
23 purpose may be used for continuing education and curriculum courses related to job skills
24 training. No community college shall operate a multi-entry/multi-exit class or program in a prison
25 facility, except for a literacy class or program. The State Board shall work with the Division of
26 Adult Correction and Juvenile Justice of the Department of Public Safety on offering classes and
27 programs that match the average length of stay of an inmate in a prison facility.

28 (b) Courses in Federal Prisons. – Courses in federal prisons shall not earn regular budget
29 full-time equivalents but may be offered on a self-supporting basis.

30 **"§ 115D-10.35. Teacher residency licensure courses.**

31 The North Carolina Community College System may offer courses, in accordance with
32 Article 17D of Subchapter V of Chapter 115C of the General Statutes, to individuals who choose
33 to enter the teaching profession through residency licensure.

34 **"§ 115D-10.40. American Sign Language courses.**

35 The State Board of Community Colleges shall develop curriculum and continuing education
36 standards for courses of instruction in American Sign Language and shall encourage community
37 colleges to offer courses in American Sign Language as a modern foreign language.

38 **"§ 115D-10.45. Adult high school equivalency diploma test.**

39 The State Board of Community Colleges may establish, retain, and budget fees charged to
40 students taking an adult high school equivalency diploma test, including fees for retesting. Fees
41 collected for this purpose shall be used only to (i) offset the costs of the test, including the cost
42 of scoring the test, (ii) offset the costs of printing adult high school equivalency diplomas, and
43 (iii) meet federal and State reporting requirements related to the test.

44 **"§ 115D-10.50. Motorcycle Safety Instruction Program.**

45 (a) There is created a Motorcycle Safety Instruction Program for the purpose of
46 establishing statewide motorcycle safety instruction to be delivered through the Community
47 Colleges System Office. The Program may be administered by a motorcycle safety coordinator
48 who shall be responsible for the planning, curriculum, and completion requirements of the
49 Program. The State Board of Community Colleges may elect a motorcycle safety coordinator
50 upon nomination of the President of the Community College System, and the compensation of
51 the motorcycle safety coordinator shall be fixed by the State Board upon recommendation of the

1 President of the Community College System pursuant to G.S. 115D-3. The State Board of
2 Community Colleges may contract with an appropriate public or private agency or person to
3 carry out the duties of the motorcycle safety coordinator.

4 (b) The Motorcycle Safety Instruction Program shall be implemented through the
5 Community Colleges System Office at institutions which choose to provide the Program. The
6 motorcycle safety coordinator shall select and facilitate the training and certification of
7 instructors who will implement the Program.

8 "Part 4. Students.

9 **"§ 115D-10.65. Accreditation of secondary school located in North Carolina shall not be a**
10 **factor in admissions, loans, scholarships, or other educational policies.**

11 (a) For purposes of this section, the term "accreditation" shall include certification or any
12 other similar approval process.

13 (b) The State Board of Community Colleges shall adopt a policy that prohibits any
14 community college from soliciting or using information regarding the accreditation of a
15 secondary school located in North Carolina that a person attended as a factor affecting
16 admissions, loans, scholarships, or other educational activity at the community college, unless
17 the accreditation was conducted by a State agency.

18 **"§ 115D-10.70. Driving eligibility certificates.**

19 (a) The State Board of Community Colleges shall adopt the following rules to assist
20 community colleges in their administration of procedures necessary to implement G.S. 20-11 and
21 G.S. 20-13.2:

22 (1) To establish the procedures a person who is or was enrolled in a community
23 college must follow and the requirements that person must meet to obtain a
24 driving eligibility certificate.

25 (2) To require the person who is required under G.S. 20-11(n) to sign the driving
26 eligibility certificate to provide the certificate if he or she determines that one
27 of the following requirements is met:

28 a. The person seeking the certificate is eligible for the certificate under
29 G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).

30 b. The person seeking the certificate is eligible for the certificate under
31 G.S. 20-11(n)(1) and G.S. 20-11(n1).

32 (3) To provide for an appeal through the grievance procedures established by the
33 board of trustees of each community college by a person who is denied a
34 driving eligibility certificate.

35 (4) To define exemplary student behavior and to define what constitutes the
36 successful completion of a drug or alcohol treatment counseling program.

37 (b) The State Board shall develop policies as to when it is appropriate to notify the
38 Division of Motor Vehicles that a person who is or was enrolled in a community college no
39 longer meets the requirements for a driving eligibility certificate. The State Board also shall adopt
40 guidelines to assist the presidents of community colleges in their designation of representatives
41 to sign driving eligibility certificates.

42 (c) The State Board shall develop a form for the appropriate individuals to provide their
43 written, irrevocable consent for a community college to disclose to the Division of Motor
44 Vehicles that the student no longer meets the conditions for a driving eligibility certificate under
45 G.S. 20-11(n)(1) or G.S. 20-11(n1), if applicable, in the event that this disclosure is necessary to
46 comply with G.S. 20-11 or G.S. 20-13.2. Other than identifying under which statutory subsection
47 the student is no longer eligible, no other details or information concerning the student's school
48 record shall be released pursuant to this consent.

49 **"§ 115D-10.75. Excused absences for religious observances.**

50 The State Board of Community Colleges shall direct each community college to adopt a
51 policy that authorizes a minimum of two excused absences each academic year for religious

1 observances required by the faith of a student. The policy may require that the student provide
 2 written notice of the request for an excused absence a reasonable time prior to the religious
 3 observance. The policy shall also provide that the student shall be given the opportunity to make
 4 up any tests or other work missed due to an excused absence for a religious observance.

5 **"§ 115D-10.76. Excused absences for National Guard service members.**

6 The State Board of Community Colleges shall adopt a policy to be applied uniformly
 7 throughout the Community College System to provide that any student enrolled in a community
 8 college who is a National Guard service member placed onto State active duty status during an
 9 academic term shall be given an excused absence for the period of time the student is on active
 10 duty. The policy shall further provide all of the following:

- 11 (1) The student shall be given the opportunity to make up any test or other work
 12 missed during the excused absence.
- 13 (2) The student shall be given the option, when feasible, to continue classes and
 14 coursework during the academic term through online participation for the
 15 period of time the student is placed on active duty.
- 16 (3) The student shall be given the option of receiving a temporary grade of
 17 "incomplete (IN)" or "absent from the final exam (AB)" for any course that
 18 the student was unable to complete as a result of being placed on State active
 19 duty status; however, the student must complete the course requirements
 20 within the period of time specified by the community college to avoid
 21 receiving a failing grade for the course.
- 22 (4) The student shall be permitted to drop, with no penalty, any course that the
 23 student was unable to complete as a result of being placed on State active duty
 24 status."

25 **SECTION 1.(b)** G.S. 115D-20(4) reads as rewritten:

- 26 "(4) To apply the standards and requirements for admission and graduation of
 27 students and other standards established by the State Board of Community
 28 Colleges. ~~Notwithstanding any law or administrative rule to the contrary, local~~
 29 ~~community colleges are permitted to offer the following programs:~~
- 30 a. ~~Subject to the approval of the State Board of Community Colleges,~~
 31 ~~local community colleges may collaborate with public school units~~
 32 ~~and nonpublic schools to offer courses through the following~~
 33 ~~programs:~~
 - 34 1. ~~Repealed by Session Laws 2022-71, s. 3.2, effective July 8,~~
 35 ~~2022.~~
 - 36 2. ~~Academic transition pathways for qualified junior and senior~~
 37 ~~high school students that lead to a career technical education~~
 38 ~~certificate, diploma, or State or industry recognized credential~~
 39 ~~and academic transition pathways for qualified freshmen and~~
 40 ~~sophomore high school students that lead to a career technical~~
 41 ~~education certificate or diploma in (i) industrial and~~
 42 ~~engineering technologies, (ii) agriculture and natural~~
 43 ~~resources, (iii) transportation technology, (iv) construction, or~~
 44 ~~(v) business technologies.~~
 - 45 3. ~~College transfer pathways requiring the successful completion~~
 46 ~~of 30 semester credit hours of transfer courses, including~~
 47 ~~English and mathematics, for the following students:~~
 - 48 I. ~~Qualified junior and senior high school students.~~
 - 49 II. ~~Qualified freshman and sophomore high school~~
 50 ~~students, if all of the following requirements are met:~~

- 1 A. ~~The student is determined to be academically~~
 2 ~~gifted, have a demonstrated readiness for the~~
 3 ~~course material, and have the maturity to justify~~
 4 ~~admission to the community college by (i) the~~
 5 ~~community college president, (ii) the student's~~
 6 ~~high school principal or equivalent~~
 7 ~~administrator, and (iii) the academically gifted~~
 8 ~~coordinator, if one is employed by the high~~
 9 ~~school or local school administrative unit.~~
- 10 B. ~~The student participates in academic advising~~
 11 ~~focused on the implications of being admitted~~
 12 ~~to college early with representatives from the~~
 13 ~~high school and the community college.~~
- 14 C. ~~The student's parent or guardian has given~~
 15 ~~consent for the student to participate.~~
- 16 a1. ~~Subject to the approval of the State Board of Community Colleges,~~
 17 ~~local community colleges may collaborate with local school~~
 18 ~~administrative units to offer cooperative innovative high school~~
 19 ~~programs, as provided by Part 9 of Article 16 of Chapter 115C of the~~
 20 ~~General Statutes.~~
- 21 b. ~~During the summer quarter, persons less than 16 years old may be~~
 22 ~~permitted to take noncredit courses on a self-supporting basis, subject~~
 23 ~~to rules of the State Board of Community Colleges.~~
- 24 e. ~~High school students may be permitted to take noncredit courses in~~
 25 ~~safe driving on a self-supporting basis during the academic year or the~~
 26 ~~summer.~~
- 27 d. ~~High school students 16 years and older may be permitted to take~~
 28 ~~noncredit courses, except adult basic skills, subject to rules~~
 29 ~~promulgated by the State Board of Community Colleges.~~
- 30 e. ~~Notwithstanding any other provision of this subdivision, qualified~~
 31 ~~youth 15 years and older may be permitted to enroll in courses,~~
 32 ~~including certification eligible courses, in fire training pursuant to~~
 33 ~~G.S. 95-25.5(n) and on a specialized course list approved by the State~~
 34 ~~Board of Community Colleges in accordance with~~
 35 ~~G.S. 115D-5(b)(2)."~~

36 **SECTION 1.(c)** Article 2 of Chapter 115D of the General Statutes is amended by
 37 adding a new section to read:

38 "**§ 115D-21.2. Accreditation.**

- 39 (a) Definitions. – The following definitions apply in this section:
- 40 (1) Accreditation cycle. – The period of time during which a community college
 41 is accredited.
- 42 (2) Accrediting agency. – An agency or association that accredits institutions of
 43 higher education.
- 44 (3) Regional accrediting agency. – One of the following accrediting agencies:
- 45 a. Higher Learning Commission.
- 46 b. Middle States Commission on Higher Education.
- 47 c. New England Commission on Higher Education.
- 48 d. Northwest Commission on Colleges and Universities.
- 49 e. Southern Association of Colleges and Schools Commission on
 50 Colleges.

1 f. Western Association of Schools and Colleges Accrediting
2 Commission for Community and Junior Colleges.

3 (b) Prohibit Consecutive Accreditation by an Accrediting Agency. – A community
4 college shall not receive accreditation by an accrediting agency for consecutive accreditation
5 cycles except as provided in subsection (c) of this section.

6 (c) Accreditation Transfer Procedure. – A community college that pursues accreditation
7 with a different accrediting agency in accordance with this section shall pursue accreditation with
8 a regional accrediting agency. If the community college is not granted candidacy status by any
9 regional accrediting agency that is different from its current accrediting agency at least three
10 years prior to the expiration of its current accreditation, the community college may remain with
11 its current accrediting agency for an additional accreditation cycle.

12 (d) Certain Programs Exempt. – The requirements of this section do not apply to
13 professional, departmental, or certificate programs at community colleges that have specific
14 accreditation requirements or best practices, as identified by the State Board of Community
15 Colleges.

16 (e) Cause of Action. – A community college may bring a civil action, as follows:

17 (1) Against any person who makes a false statement to the accrediting agency of
18 the community college, if all of the following criteria are met:

19 a. The statement, if true, would mean the community college is out of
20 compliance with its accreditation standards.

21 b. The person made the statement with knowledge that the statement was
22 false or with reckless disregard as to whether it was false.

23 c. The accrediting agency conducted a review of the community college
24 as a proximate result of the statement.

25 d. The review caused the community college to incur costs.

26 (2) A community college that prevails on a cause of action initiated pursuant to
27 this subsection shall be entitled to the following:

28 a. Costs related to the review conducted by the accrediting agency,
29 including for the following:

30 1. Additional hours worked by community college personnel.

31 2. Contracted services, including outside legal counsel.

32 3. Travel, lodging, and food expenses.

33 4. Fees required by the agency.

34 b. Reasonable attorney fees.

35 c. Court costs."

36 **SECTION 1.(d)** G.S. 115D-21.5 is repealed.

37 **SECTION 1.(e)** Article 2 of Chapter 115D of the General Statutes is amended by
38 adding a new section to read:

39 **"§ 115D-21.10. Curriculum courses taught throughout year.**

40 Community colleges may teach curriculum courses at any time during the year, including the
41 summer term. Student membership hours from these courses shall be counted when computing
42 full-time equivalent students (FTE) for use in budget funding formulas at the State level."

43 **SECTION 1.(f)** Chapter 115D of the General Statutes is amended by adding a new
44 Article to read:

45 "Article 2B.

46 "High School Programs.

47 **"§ 115D-30.1. Career and College Promise Program.**

48 (a) There is established the Career and College Promise Program to allow pathways for
49 qualified high school students to take community college courses without the payment of tuition.

1 (b) Subject to the approval of the State Board of Community Colleges, local community
2 colleges may collaborate with public school units and nonpublic schools to offer courses through
3 the following programs:

4 (1) Academic transition pathways for qualified junior and senior high school
5 students that lead to a career technical education certificate, diploma, or State
6 or industry-recognized credential and academic transition pathways for
7 qualified freshmen and sophomore high school students that lead to a career
8 technical education certificate or diploma in one of the following:

9 a. Industrial and engineering technologies.

10 b. Agriculture and natural resources.

11 c. Transportation technology.

12 d. Construction.

13 e. Business technologies.

14 (2) College transfer pathways requiring the successful completion of 30 semester
15 credit hours of transfer courses, including English and mathematics, for the
16 following students:

17 a. Qualified junior and senior high school students.

18 b. Qualified freshmen and sophomore high school students, if all of the
19 following requirements are met:

20 1. The student is determined to be academically gifted, have a
21 demonstrated readiness for the course material, and have the
22 maturity to justify admission to the community college by (i)
23 the community college president, (ii) the student's high school
24 principal or equivalent administrator, and (iii) the academically
25 gifted coordinator, if one is employed by the high school or
26 local school administrative unit.

27 2. The student participates in academic advising focused on the
28 implications of being admitted to college early with
29 representatives from the high school and the community
30 college.

31 3. The student's parent or guardian has given consent for the
32 student to participate.

33 **"§ 115D-30.5. Evaluation of Career and College Promise Program.**

34 (a) Evaluation. – In addition to the evaluation of cooperative innovative high schools by
35 the State Board of Education pursuant to G.S. 115C-238.55, the State Board of Community
36 Colleges, in conjunction with the State Board of Education and the Board of Governors of The
37 University of North Carolina, shall evaluate the success of students participating in the Career
38 and College Promise Program, including the College Transfer pathway and the Career and
39 Technical Education pathway.

40 (b) Metrics. – Success shall be measured by high school retention rates, high school
41 completion rates, high school dropout rates, certification and associate degree completion,
42 admission to four-year institutions, postgraduation employment in career or study-related fields,
43 and employer satisfaction of employees who participated in the programs. The evaluation shall
44 also include an analysis of the cost of students participating in each of the programs within the
45 Career and College Promise Program, including at least the following:

46 (1) Total enrollment funding, the number of budgeted full-time equivalent
47 students, and the number of students enrolled in courses through cooperative
48 innovative high schools, the College Transfer pathway, and the Career and
49 Technical Education pathway.

1 (2) The cost and number of waivers of tuition and registration fees provided for
2 students enrolled in courses through cooperative innovative high schools, the
3 College Transfer pathway, and the Career and Technical Education pathway.

4 (3) Any additional costs of a student attending courses on campus if a student is
5 not attending public school in a local school administrative unit for the
6 majority of the student's instructional time.

7 (c) Report. – The Boards shall jointly report by March 15 of each year to the Joint
8 Legislative Education Oversight Committee, the Senate Appropriations Committee on
9 Education/Higher Education, the House Appropriations Committee on Education, and the Fiscal
10 Research Division of the General Assembly. The report shall be combined with the evaluation
11 of cooperative innovative high schools required by G.S. 115C-238.55, and the Community
12 Colleges System Office shall be responsible for submitting the combined report.

13 **"§ 115D-30.10. Cooperative innovative high schools.**

14 Subject to the approval of the State Board of Community Colleges, local community colleges
15 may collaborate with local school administrative units to offer cooperative innovative high
16 school programs, as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.

17 **"§ 115D-30.15. Noncredit courses.**

18 Subject to rules adopted by the State Board of Community Colleges, local community
19 colleges may provide for the following:

20 (1) During the summer quarter, persons less than 16 years old may be permitted
21 to take noncredit courses on a self-supporting basis.

22 (2) High school students may be permitted to take noncredit courses in safe
23 driving on a self-supporting basis during the academic year or the summer.

24 (3) High school students 16 years and older may be permitted to take noncredit
25 courses, except adult basic skills.

26 (4) Notwithstanding any other provision of this Article, qualified youth 15 years
27 and older may be permitted to enroll in courses, including
28 certification-eligible courses, in fire training pursuant to G.S. 95-25.5(n) and
29 on a specialized course list approved by the State Board of Community
30 Colleges in accordance with G.S. 115D-30.1.

31 **"§ 115D-30.20. Gateway to College Program.**

32 The purpose of the first semester of the Gateway to College Program is to address additional
33 support to successfully complete the Program. Students may need to take developmental courses
34 necessary for the transition to more challenging courses; therefore, the State Board of Community
35 Colleges shall (i) permit high school students who are enrolled in Gateway to College Programs
36 to enroll in developmental courses based on an assessment of their individual student needs by a
37 high school and community college staff team and (ii) include this coursework in computing the
38 budget FTE for the colleges.

39 **"§ 115D-30.25. NC Career Coach Program.**

40 (a) Purpose. – There is established the NC Career Coach Program to place community
41 college career coaches in high schools to assist students with determining career goals and
42 identifying community college programs that would enable students to achieve these goals.

43 (b) Memorandum of Understanding. – The board of trustees of a community college and
44 a local board of education of a local school administrative unit within the service area of the
45 community college shall enter into a memorandum of understanding for the placement of career
46 coaches employed by the board of trustees of the community college in schools within the local
47 school administrative unit. At a minimum, the memorandum of understanding shall include the
48 following:

49 (1) Requirement that the community college provides the following:

50 a. Hiring, training, and supervision of career coaches. The board of
51 trustees may include a local board of education liaison on the hiring

- 1 committee to participate in the decision making regarding hiring for
2 the coach positions.
- 3 b. Salary, benefits, and all other expenses related to the employment of
4 the career coach. The coach will be an employee of the board of
5 trustees and will not be an agent or employee of the local board of
6 education.
- 7 c. Development of pedagogical materials and technologies needed to
8 enhance the advising process.
- 9 d. Criminal background checks required by the local school
10 administrative unit for employees working directly with students.
- 11 e. Agreement that, while on any school campus, the career coach will
12 obey all local board of education rules and will be subject to the
13 authority of the school building administration.
- 14 (2) Requirement that the local school administrative unit provides the following
15 to career coaches:
- 16 a. Access to student records, as needed to carry out the coach's job
17 responsibilities.
- 18 b. Office space on site appropriate for student advising.
- 19 c. Information technology resources, including, but not limited to,
20 internet access, telephone, and copying.
- 21 d. Initial school orientation and ongoing integration into the faculty and
22 staff community.
- 23 e. Promotion of school-wide awareness of coach duties.
- 24 f. Facilitation of the coach's access to individual classes and larger
25 assemblies for the purposes of awareness-building.
- 26 (c) Application for NC Career Coach Program Funding. – The board of trustees of a
27 community college and a local board of education of a local school administrative unit within the
28 service area of the community college jointly may apply for available funds for NC Career Coach
29 Program funding from the State Board of Community Colleges. The State Board of Community
30 Colleges shall establish a process for award of funds as follows:
- 31 (1) Advisory committee. – Establishment of an advisory committee, which shall
32 include representatives from the NC Community College System, the
33 Department of Public Instruction, the Department of Commerce, and at least
34 three representatives of the business community, to review applications and
35 make recommendations for funding awards to the State Board.
- 36 (2) Application submission requirements. – The State Board of Community
37 Colleges shall require at least the following:
- 38 a. Evidence of a signed memorandum of understanding that meets, at a
39 minimum, the requirements of this section.
- 40 b. Evidence that the funding request will be matched with local funds in
41 accordance with the following:
- 42 1. Matching funds may come from public or private sources.
- 43 2. The match amount shall be determined based on the
44 development tier designation of the county in which the local
45 school administrative unit is located where the career coach is
46 assigned on the date of the award of funds by the State Board
47 of Community Colleges according to the following:
- 48 I. If located in a tier one county as defined in
49 G.S. 143B-437.08, no local match shall be required.
- 50 II. If located in a tier two county as defined in
51 G.S. 143B-437.08, one dollar (\$1.00) of local funds for

- 1 every two dollars (\$2.00) in State funds shall be
2 required.
- 3 III. If located in a tier three county as defined in
4 G.S. 143B-437.08, one dollar (\$1.00) of local funds for
5 every one dollar (\$1.00) in State funds shall be
6 required.
- 7 (3) Awards criteria. – The State Board of Community Colleges shall develop
8 criteria for consideration in determining the award of funds that shall include
9 the following:
- 10 a. Consideration of the workforce needs of business and industry in the
11 region.
- 12 b. Targeting of resources to enhance ongoing economic activity within
13 the community college service area and surrounding counties.
- 14 c. Geographic diversity of awards.
- 15 (d) Annual Report. –
- 16 (1) The board of trustees of a community college that employs one or more career
17 coaches shall report annually to the State Board of Community Colleges on
18 implementation and outcomes of the Program, including the following
19 information:
- 20 a. Number of career coaches employed.
- 21 b. Number of local school administrative units served and names of
22 schools in which career coaches are placed.
- 23 c. Number of students annually counselled by career coaches.
- 24 d. Impact of career coaches on student choices, as determined by a valid
25 measure selected by the State Board of Community Colleges.
- 26 (2) The State Board of Community Colleges shall report annually no later than
27 October 1 to the Joint Legislative Education Oversight Committee on the
28 following:
- 29 a. A compilation of the information reported by the board of trustees of
30 community colleges, as provided in subdivision (1) of this subsection.
- 31 b. Number and names of partnership applicants for NC Career Coach
32 Program funding.
- 33 c. Number, names, and amounts of those awarded NC Career Coach
34 Program funding."

35 **SECTION 1.(g)** G.S. 115D-39, 115D-39.1, 115D-40.1, and 115D-40.5 are codified
36 into Part 2 of Article 3 of Chapter 115D of the General Statutes, which shall be entitled "Tuition
37 and Fees." The remaining sections of Article 3 of Chapter 115D of the General Statutes are
38 codified into Part 1 of Article 3 of Chapter 115D of the General Statutes, which shall be entitled
39 "Funding of Community Colleges."

40 **SECTION 1.(h)** Part 2 of Article 3 of Chapter 115D of the General Statutes is
41 amended by adding new sections to read:

42 **"§ 115D-39.2. Pro rata tuition and uniform registration fees.**

43 In order to make instruction as accessible as possible to all citizens, the teaching of curricular
44 courses and of noncurricular extension courses at convenient locations away from institution
45 campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of
46 the established regular tuition rate charged a full-time student shall be charged a part-time student
47 taking any curriculum course. In lieu of any tuition charge, the State Board of Community
48 Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to
49 be charged students enrolling in extension courses for which instruction is financed primarily
50 from State funds.

51 **"§ 115D-39.5. Tuition waivers.**

1 (a) Allowed Tuition Waivers. – The State Board of Community Colleges shall not waive
2 tuition and registration fees for any individuals, except the State Board may, as provided by
3 general and uniform regulations, waive tuition and registration fees for the following:

4 (1) Persons not enrolled in elementary or secondary schools taking courses
5 leading to a high school diploma or equivalent certificate.

6 (2) Courses requested by the following entities that support the organizations'
7 training needs and are on a specialized course list approved by the State Board:

8 a. Volunteer fire departments.

9 b. Municipal, county, or State fire departments.

10 c. Volunteer EMS or rescue and lifesaving departments.

11 d. Municipal, county, or State EMS or rescue and lifesaving departments.

12 e. Law enforcement, fire, or EMS or rescue and lifesaving entities
13 serving a lake authority that was created by a county board of
14 commissioners prior to July 1, 2012.

15 f. Radio Emergency Associated Communications Teams (REACT)
16 under contract to a county as an emergency response agency.

17 g. Municipal, county, or State law enforcement agencies.

18 h. Campus police agencies of private institutions of higher education
19 certified by the Attorney General pursuant to Chapter 74G of the
20 General Statutes.

21 i. The Division of Prisons of the Department of Adult Correction and the
22 Division of Juvenile Justice of the Department of Public Safety for the
23 training of full-time custodial employees and employees of the
24 Divisions required to be certified under Article 1 of Chapter 17C of
25 the General Statutes and the rules of the Criminal Justice and Training
26 Standards Commission.

27 j. The Eastern Band of Cherokee Indians law enforcement, fire, or EMS
28 or rescue and lifesaving tribal government departments or programs.

29 k. The Criminal Justice Standards Division of the Department of Justice
30 for the training of criminal justice professionals, as defined in
31 G.S. 17C-20(6), who are required to be certified under (i) Article 1 of
32 Chapter 17C of the General Statutes and the rules of the North
33 Carolina Criminal Justice Education and Training Standards
34 Commission or (ii) Chapter 17E of the General Statutes and the rules
35 of the North Carolina Sheriffs' Education and Training Standards
36 Commission. The waivers provided for in this sub-subdivision apply
37 to participants and recent graduates of the North Carolina Criminal
38 Justice Fellows Program to obtain certifications for eligible criminal
39 justice professions as defined in G.S. 17C-20(6).

40 (3) Firefighters, EMS personnel, and rescue and lifesaving personnel whose duty
41 station is located on a military installation within North Carolina for courses
42 that support their organizations' training needs and are approved for this
43 purpose by the State Board.

44 (4) Trainees enrolled in courses conducted under the Customized Training
45 Program.

46 (5) Elementary and secondary school employees enrolled in courses in first aid or
47 cardiopulmonary resuscitation (CPR).

48 (6) All courses taken by high school students at community colleges, in
49 accordance with this section and Article 2B of this Chapter.

50 (7) Human resources development courses for any individual who (i) is
51 unemployed, (ii) has received notification of a pending layoff, (iii) is working

1 and is eligible for the Federal Earned Income Tax Credit (FEITC), or (iv) is
2 working and earning wages at or below two hundred percent (200%) of the
3 federal poverty guidelines.

4 (8) Courses providing employability skills, job-specific occupational or technical
5 skills, or developmental education instruction to certain students who are
6 concurrently enrolled in an eligible community college literacy course, in
7 accordance with rules adopted by the State Board.

8 (9) Courses provided to students who are participating in a pre-apprenticeship or
9 apprenticeship program that meets all of the following criteria:

10 a. Meets one of the following:

11 1. Is a registered apprenticeship program recognized by the
12 United States Department of Labor.

13 2. Is a pre-apprenticeship program recognized and approved by
14 the State agency administering the statewide apprenticeship
15 program.

16 b. Has a documented plan of study with courses relating to a job-specific
17 occupational or technical skill.

18 c. Requires the participants in the program to be North Carolina high
19 school students when entering the program.

20 (b) Faculty and Staff. – The State Board shall not waive tuition and registration fees for
21 community college faculty or staff members. Community colleges may, however, use State or
22 local funds to pay tuition and registration fees for one course per semester for full-time
23 community college faculty or staff members employed for a nine-, 10-, 11-, or 12-month term.
24 Community colleges may also use State and local funds to pay tuition and registration fees for
25 professional development courses and for other courses consistent with the academic assistance
26 program authorized by the State Human Resources Commission.

27 (c) Annual Report. – Annually by February 1, the Community Colleges System Office
28 shall report to the Joint Legislative Education Oversight Committee on the number and type of
29 waivers granted pursuant to subsection (a) of this section."

30 **SECTION 1.(i)** G.S. 115D-41 is recodified as G.S. 115D-38.5.

31 **SECTION 1.(j)** G.S. 115D-43 is recodified as G.S. 115D-38.10.

32 **SECTION 1.(k)** G.S. 115D-44 is repealed.

33 **PART II. CONFORMING CHANGES**

34 **SECTION 2.(a)** G.S. 20-11(n) reads as rewritten:

35 "(n) Driving Eligibility Certificate. – A person who desires to obtain a permit or license
36 issued under this section must have a high school diploma or its equivalent or must have a driving
37 eligibility certificate. A driving eligibility certificate must meet the following conditions:

38 (1) The person who is required to sign the certificate under subdivision (4) of this
39 subsection must show that he or she has determined that one of the following
40 requirements is met:

41 a. The person is currently enrolled in school and is making progress
42 toward obtaining a high school diploma or its equivalent.

43 b. A substantial hardship would be placed on the person or the person's
44 family if the person does not receive a certificate.

45 c. The person cannot make progress toward obtaining a high school
46 diploma or its equivalent.

47 (1a) The person who is required to sign the certificate under subdivision (4) of this
48 subsection also must show that one of the following requirements is met:

49 a. The person who seeks a permit or license issued under this section is
50 not subject to subsection (n1) of this section.
51

- 1 b. The person who seeks a permit or license issued under this section is
2 subject to subsection (n1) of this section and is eligible for the
3 certificate under that subsection.
- 4 (2) It must be on a form approved by the Division.
- 5 (3) It must be dated within 30 days of the date the person applies for a permit or
6 license issuable under this section.
- 7 (4) It must be signed by the applicable person named below:
- 8 a. The principal, or the principal's designee, of the public school in which
9 the person is enrolled.
- 10 b. The administrator, or the administrator's designee, of the nonpublic
11 school in which the person is enrolled.
- 12 c. The person who provides the academic instruction in the home school
13 in which the person is enrolled.
- 14 c1. The person who provides the academic instruction in the home in
15 accordance with an educational program found by a court, prior to July
16 1, 1998, to comply with the compulsory attendance law.
- 17 d. The designee of the board of directors of the charter school in which
18 the person is enrolled.
- 19 e. The president, or the president's designee, of the community college
20 in which the person is enrolled.

21 Notwithstanding any other law, the decision concerning whether a driving eligibility
22 certificate was properly issued or improperly denied shall be appealed only as provided under
23 the rules adopted in accordance with G.S. 115C-12(28), ~~115D-5(a3)~~, 115D-10.70, or 115C-566,
24 whichever is applicable, and may not be appealed under this Chapter."

25 **SECTION 2.(b)** G.S. 20-13.2(c1) reads as rewritten:

26 "(c1) Upon receipt of notification from the proper school authority that a person no longer
27 meets the requirements for a driving eligibility certificate under G.S. 20-11(n), the Division must
28 expeditiously notify the person that his or her permit or license is revoked effective on the
29 thirtieth calendar day after the mailing of the revocation notice. The Division must revoke the
30 permit or license of that person on the thirtieth calendar day after the mailing of the revocation
31 notice. Notwithstanding subsection (d) of this section, the length of revocation must last for the
32 following periods:

- 33 (1) If the revocation is because of ineligibility for a driving eligibility certificate
34 under G.S. 20-11(n)(1), then the revocation shall last until the person's
35 eighteenth birthday.
- 36 (2) If the revocation is because of ineligibility for a driving eligibility certificate
37 under G.S. 20-11(n1), then the revocation shall be for a period of one year.

38 For a person whose permit or license was revoked due to ineligibility for a driving eligibility
39 certificate under G.S. 20-11(n)(1), the Division must restore a person's permit or license before
40 the person's eighteenth birthday, if the person submits to the Division one of the following:

- 41 (1) A high school diploma or its equivalent.
- 42 (2) A driving eligibility certificate as required under G.S. 20-11(n).

43 If the Division restores a permit or license that was revoked due to ineligibility for a driving
44 eligibility certificate under G.S. 20-11(n)(1), any record of revocation or suspension shall be
45 expunged by the Division from the person's driving record. The Division shall not expunge a
46 suspension or revocation record if a person has had a prior expunction from the person's driving
47 record for any reason.

48 For a person whose permit or license was revoked due to ineligibility for a driving eligibility
49 certificate under G.S. 20-11(n1), the Division shall restore a person's permit or license before the
50 end of the revocation period, if the person submits to the Division a driving eligibility certificate
51 as required under G.S. 20-11(n).

1 Notwithstanding any other law, the decision concerning whether a driving eligibility
2 certificate was properly issued or improperly denied shall be appealed only as provided under
3 the rules adopted in accordance with G.S. 115C-12(28), ~~115D-5(a3)~~, 115D-10.70, or 115C-566,
4 whichever is applicable, and may not be appealed under this Chapter."

5 **SECTION 2.(c)** G.S. 90-631(b) reads as rewritten:

6 "(b) A massage and bodywork therapy program operated by a North Carolina community
7 college that is accredited by a regional accrediting agency, as defined in ~~G.S. 115D-6.2~~,
8 G.S. 115D-21.2, is exempt from the approval process, licensure process, or both, established by
9 the Board. The college shall certify annually to the Board that the program meets or exceeds the
10 minimum standards for curriculum, faculty, and learning resources established by the Board.
11 Students who complete the program shall qualify for licenses from the Board as if the program
12 were approved, licensed, or both, by the Board."

13 **SECTION 2.(d)** G.S. 93A-4(a2) reads as rewritten:

14 "(a2) A certified real estate education provider shall pay a fee of ten dollars (\$10.00) per
15 licensee to the Commission for each licensee completing a postlicensing education course
16 conducted by the school, provided that these fees shall not be charged to a community college,
17 junior college, college, or university located in this State and accredited by a regional accrediting
18 agency, as defined in ~~G.S. 115D-6.2~~ G.S. 115D-21.2 and G.S. 116-11.4, respectively."

19 **SECTION 2.(e)** G.S. 93A-38.5(e) reads as rewritten:

20 "(e) The Commission may establish a nonrefundable course application fee to be charged
21 to private real estate education providers for the review and approval of a proposed continuing
22 education course. The fee shall not exceed one hundred twenty-five dollars (\$125.00) per course.
23 The Commission may charge the private real estate education providers of an approved course a
24 nonrefundable fee not to exceed seventy-five dollars (\$75.00) for the annual renewal of course
25 approval.

26 A private real estate education provider shall pay a fee of ten dollars (\$10.00) per licensee to
27 the Commission for each licensee completing an approved continuing education course
28 conducted by the sponsor.

29 The Commission shall not charge a course application fee, a course renewal fee, or any other
30 fee for a continuing education course sponsored by a community college, junior college, college,
31 or university located in this State and accredited by a regional accrediting agency, as defined in
32 ~~G.S. 115D-6.2~~ G.S. 115D-21.2 and G.S. 116-11.4, respectively."

33 **SECTION 2.(f)** G.S. 93E-1-7(b2) reads as rewritten:

34 "(b2) The Board shall not charge a course application fee, a course renewal fee, or any other
35 fee for a continuing education course offered by a North Carolina college, university, junior
36 college, or community or technical college accredited by a regional accrediting agency, as
37 defined in ~~G.S. 115D-6.2~~ G.S. 115D-21.2 and G.S. 116-11.4, respectively, or an agency of the
38 federal, State, or local government."

39 **SECTION 2.(g)** G.S. 93E-1-8 reads as rewritten:

40 **"§ 93E-1-8. Education program approval and fees.**

41 ...

42 (b) The Board may by rule set nonrefundable fees chargeable to private real estate
43 appraisal schools or course sponsors, including appraisal trade organizations, for the approval
44 and annual renewal of approval of their qualifying courses required by G.S. 93E-1-6(a), or
45 equivalent courses. The fees shall be one hundred dollars (\$100.00) per course for approval and
46 fifty dollars (\$50.00) per course for renewal of approval. No fees shall be charged for the approval
47 or renewal of approval to conduct appraiser qualifying courses where such courses are offered
48 by a North Carolina college, university, junior college, or community or technical college
49 accredited by a regional accrediting agency, as defined in ~~G.S. 115D-6.2~~ G.S. 115D-21.2 and
50 G.S. 116-11.4, respectively, or an agency of the federal, State, or local government.

51 ...

1 (d) Nonrefundable fees of one hundred dollars (\$100.00) per course may be charged to
2 schools and course sponsors for the approval to conduct appraiser continuing education courses
3 and fifty dollars (\$50.00) per course for renewal of approval. However, no fees shall be charged
4 for the approval or renewal of approval to conduct appraiser continuing education courses where
5 such courses are offered by a North Carolina college, university, junior college, or community
6 or technical college accredited by a regional accrediting agency, as defined in ~~G.S. 115D-6.2~~
7 G.S. 115D-21.2 and G.S. 116-11.4, respectively, or by an agency of the federal, State, or local
8 government. A nonrefundable fee of fifty dollars (\$50.00) per course may be charged to current
9 or former licensees or certificate holders requesting approval by the Board of a course for
10 continuing education credit when approval of such course has not been previously obtained by
11 the offering school or course sponsor."

12 **SECTION 2.(h)** G.S. 95-25.5(n) reads as rewritten:

13 "(n) Nothing in this section prohibits qualified youths under 18 years of age from
14 participating in training through their fire department, the Office of State Fire Marshal, or the
15 North Carolina Community College System. As used in this subsection, the term "qualified youth
16 under 18 years of age" means an uncompensated fire department or rescue squad member who
17 is at least the age of 15 and under the age of 18 and who is a member of a bona fide fire
18 department, as that term is defined in G.S. 58-86-2(4), or of a rescue squad described in
19 G.S. 58-86-2(6). A qualified youth under 18 years of age under this subsection may be permitted
20 to enroll in courses, including certification-eligible courses, in fire training at a community
21 college on a specialized course list approved by the State Board of Community Colleges pursuant
22 to ~~G.S. 115D-20(4)~~e.G.S. 115D-30.15(4)."

23 **SECTION 2.(i)** G.S. 115C-84.3(a)(3) reads as rewritten:

24 "(3) Institution of higher education courses, as provided in Article 16 of this
25 Chapter or ~~G.S. 115D-20(4)~~Article 2B of Chapter 115D of the General
26 Statutes."

27 **SECTION 2.(j)** G.S. 115C-238.55 reads as rewritten:

28 "**§ 115C-238.55. Evaluation of cooperative innovative high schools.**

29 The State Board of Education and the governing Boards shall evaluate the success of students
30 in cooperative innovative high schools approved under this Part. Success shall be measured by
31 high school retention rates, high school completion rates, high school dropout rates, certification
32 and associate degree completion, admission to four-year institutions, postgraduation employment
33 in career or study-related fields, and employer satisfaction of employees who participated in and
34 graduated from the schools. The Boards shall jointly report by March 15 of each year to the Joint
35 Legislative Education Oversight Committee, the Senate Appropriations Committee on
36 Education/Higher Education, the House Appropriations Committee on Education, and the Fiscal
37 Research Division of the General Assembly on the evaluation of these schools. The report shall
38 be combined with the evaluation of and analysis of cost of students participating in the Career
39 and College Promise Program required by ~~G.S. 115D-5(x)~~G.S. 115D-30.5, and the Community
40 Colleges System Office shall be responsible for submitting the combined report."

41 **SECTION 2.(k)** G.S. 115D-2(2) reads as rewritten:

42 "(2) The term "community college" is defined as an educational institution
43 operating under the provisions of this Chapter and dedicated primarily to the
44 educational needs of the service area which it serves, and may offer any of the
45 following:

- 46 a. The freshmen and sophomore courses of a college of arts and sciences,
47 authorized by ~~G.S. 115D-4.1~~G.S. 115D-10.10.
- 48 b. Organized credit curricula for the training of technicians; curricular
49 courses may carry transfer credit to a senior college or university
50 where the course is comparable in content and quality and is
51 appropriate to a chosen course of ~~study~~study.

- 1 c. Vocational, trade, and technical specialty courses and ~~programs,~~
2 ~~and programs.~~
3 d. Courses in general adult education."

4 **SECTION 2.(l)** G.S. 115D-39(a1) reads as rewritten:

5 "(a1) In addition, federal law enforcement officers, firefighters, EMS personnel, and rescue
6 and lifesaving personnel whose permanent duty station is within North Carolina and who do not
7 otherwise qualify for tuition waivers under ~~G.S. 115D-5(b)(2a)~~ G.S. 115D-39.5(a)(3) shall also
8 be eligible for the State resident community college tuition rate for courses that support their
9 organizations' training needs and are approved for this purpose by the State Board of Community
10 Colleges."

11 **SECTION 2.(m)** G.S. 115D-41(a) reads as rewritten:

12 "(a) Community college contracts with local school administrative units shall not be used
13 by these agencies to supplant funding for a public school high school teacher providing courses
14 offered pursuant to ~~G.S. 115D-20(4)~~ Article 2B of this Chapter who is already employed by the
15 local school administrative unit. In no event shall a community college contract with a local
16 school administrative unit to provide high school level courses."

17 **SECTION 2.(n)** Article 6A of Chapter 115D of the General Statutes is repealed.

18 **SECTION 2.(o)** G.S. 116-201(b)(8) reads as rewritten:

19 "(8) "Private institution" means an institution other than a seminary, Bible school,
20 Bible college or similar religious institution in this State that is not owned or
21 operated by the State or any agency or political subdivision thereof, or by any
22 combination thereof, that offers post-high school education and is accredited
23 by a regional accrediting agency, as defined in ~~G.S. 115D-6.2~~ G.S. 115D-21.2
24 and G.S. 116-11.4, or the Transnational Association of Christian Colleges and
25 Schools, or, in the case of institutions that are not eligible to be considered for
26 accreditation, accredited in those categories and by those nationally
27 recognized accrediting agencies that the Authority may designate;"

28 **SECTION 2.(p)** G.S. 116-280(3) reads as rewritten:

29 "(3) Eligible private postsecondary institution. – A school that is any of the
30 following:

- 31 a. A nonprofit postsecondary educational institution with a main
32 permanent campus located in this State that is not owned or operated
33 by the State of North Carolina or by an agency or political subdivision
34 of the State or by any combination thereof that satisfies all of the
35 following:
- 36 1. Is either (i) accredited by a regional accrediting agency, as
37 defined in ~~G.S. 115D-6.2~~ G.S. 115D-21.2 and G.S. 116-11.4,
38 or the Transnational Association of Christian Colleges and
39 Schools or (ii) was accredited by ~~SACSCOC~~ the Southern
40 Association of Colleges and Schools Commission on Colleges
41 on January 1, 2021, and, beginning January 1, 2021, was a
42 member of the Transnational Association of Christian Colleges
43 and Schools.
 - 44 2. Awards a postsecondary degree as defined in G.S. 116-15.
- 45 b. A postsecondary institution owned or operated by a hospital authority
46 as defined in G.S. 131E-16(14) or school of nursing affiliated with a
47 nonprofit postsecondary educational institution as defined in
48 sub-subdivision a. of this subsection."

49 **SECTION 2.(q)** G.S. 126-5(c2)(3) reads as rewritten:

50 "(3) Employees of community colleges whose salaries are fixed in accordance with
51 ~~G.S. 115D-5~~ G.S. 115D-6.1 and G.S. 115D-20 and employees of the

1 Community Colleges System Office whose salaries are fixed by the State
2 Board of Community Colleges in accordance with G.S. 115D-3."

3 **SECTION 2.(r)** Section 6.9(b) of S.L. 2023-134 reads as rewritten:

4 "**SECTION 6.9.(b)** Of the recurring funds appropriated in this act to the Community
5 Colleges System Office for the 2023-2025 fiscal biennium to support increasing program
6 offerings for individuals with IDD pursuant to ~~G.S. 115D-44, as enacted by this section,~~
7 G.S. 115D-10.21, the System Office shall establish at least two statewide positions for program
8 support, provide professional development training for college advising staff to assist students
9 with IDD for career pathway exploration and the identification of credentials leading to
10 competitive employment, and explore funding sources to sustain programs for students with
11 IDD."

12 **PART III. PROPRIETARY SCHOOLS CHANGES**

13 **SECTION 3.(a)** G.S. 115D-89.1(b) reads as rewritten:

14 "(b) The State Board of Proprietary Schools shall consist of seven members as follows:

- 15 (1) The President of the North Carolina Community College System or the
16 President's designee.
17
18 (2) Two members appointed by the Governor.
19 (3) Two members appointed by the General Assembly upon the recommendation
20 of the President Pro Tempore of the Senate, one of whom shall be the owner
21 or director of a proprietary school licensed in the State with less than 100 total
22 annual enrollment of students and one the owner or director of a proprietary
23 school or group of proprietary schools licensed in the State with ~~more than~~
24 750-100 or more total annual enrollment of students.
25 (4) Two members appointed by the General Assembly upon the recommendation
26 of the Speaker of the House of Representatives, one of whom shall be the
27 owner or director of a proprietary school licensed in the State with ~~between~~
28 less than 100 and 750-total annual enrollment of students and one the owner
29 or director of a proprietary school or group of proprietary schools licensed in
30 the ~~State~~-State with 100 or more total annual enrollment of students.

31 The appointing authorities shall appoint members who have a demonstrated history of
32 experience in proprietary or public postsecondary education, an understanding of standards of
33 quality in postsecondary education, and leadership beyond a particular institution."

34 **SECTION 3.(b)** G.S. 115D-90(b) reads as rewritten:

35 "(b) Application for a license shall be filed in the manner and upon the forms prescribed
36 and furnished by the State Board of Proprietary Schools for that purpose. Such application shall
37 be signed by the applicant and properly verified and shall contain such of the following
38 information as may apply to the particular school for which a license is sought:

- 39 ...
40 (7) Such additional information as the State Board, acting by and through the
41 State Board of Proprietary Schools, may deem necessary to enable it to
42 determine the adequacy of the program of instruction and matters pertaining
43 thereto. Each application shall be accompanied by a copy of the current
44 bulletin or catalog of the school which shall be in published form and certified
45 by an authorized official of the school as being current, true, and correct in
46 content and policy. The school bulletin shall contain the following
47 information:

- 48 ...
49 i. Policy and regulations of the institution relative to the refund of the
50 unused portion of tuition, fees and other charges in the event the
51 student does not enter the course or withdraws or is discontinued

1 therefrom. The policy and regulations shall comply with federal law
 2 and provide for, at a minimum, a full refund if a student withdraws
 3 before the first day of class or the school cancels the class and a
 4 seventy-five percent (75%) refund if the student withdraws within the
 5 first twenty-five percent (25%) of the period of enrollment for which
 6 the student was charged. the following provisions to the extent those
 7 provisions are not inconsistent with federal law:

- 8 1. If any of the following occur prior to the first day of class, a
 9 student shall receive a one hundred percent (100%) refund,
 10 including nonrefundable fees already paid:
 - 11 I. The student withdraws.
 - 12 II. The student is caused to withdraw by the school.
 - 13 III. The school cancels the class.
- 14 2. If the student withdraws or is caused to withdraw by the school
 15 on or before completing twenty-five percent (25%) of the
 16 period of enrollment for which the student was charged, the
 17 student shall receive a refund of seventy-five percent (75%),
 18 excluding any disclosed nonrefundable fees.

19"

20 **SECTION 3.(c)** G.S. 115D-95(b) reads as rewritten:

21 "(b) Amount. – An applicant for a license must file a bond with the North Carolina State
 22 Board of Community Colleges executed by the applicant as a principal and by a bonding
 23 company authorized to do business in this State. The bond must be payable to the State Board of
 24 Community Colleges, must be conditioned on fulfillment of the school's obligations, and must
 25 remain in effect until cancelled by the bonding company. The bonding company may cancel the
 26 bond upon 30 days' notice to the State Board of Community Colleges.

27 The application must set out calculations made by the applicant to determine the amount of
 28 bond required with the application. The required amount is determined as follows:

- 29 (1) Initial licensure. – For an applicant for initial licensure of a school, the bond
 30 amount is the amount determined by the State Board that is adequate to
 31 provide indemnification to any student, or the student's parent or guardian who
 32 has suffered a loss of tuition, fees, or any other instructional-related expenses
 33 paid to the school. A bond amount shall be at least twenty-five thousand
 34 dollars (\$25,000).
- 35 (2) ~~First four renewals.~~ Renewal of licensure. – ~~For a school that has been licensed~~
 36 ~~for one year but less than six years,~~ For an applicant for renewal of licensure
 37 of a school, the bond shall be in an amount equal to the greatest amount of
 38 unearned paid tuition in the school's possession at ~~anytime~~ any time during
 39 the prior fiscal year.
- 40 (2a) Evaluations. – Bond amounts shall be evaluated as follows:
 - 41 a. ~~The~~ For a school that has been licensed for one year, but less than six
 42 years, the bond amount shall be evaluated by the school quarterly and
 43 reported to the State Board or its representative. For a school that has
 44 been licensed for six years or more, if the State Board deems an
 45 evaluation necessary, the State Board may require the bond amount to
 46 be evaluated by the school quarterly and reported to the State Board or
 47 its representative.
 - 48 b. A quarterly evaluation requiring an increase of five percent (5%) or
 49 more in the amount of the bond held by the school shall require an
 50 immediate increase in the bond amount.

c. ~~Bond amounts also shall be evaluated pursuant to this subdivision and the rules of the State Board of Community Colleges and State Board of Proprietary Schools at the time of the school's annual license renewal and increased if necessary regardless of the amount of the change.~~

(3) ~~Schools in operation more than five years. — A guaranty bond shall be required for license renewal for a school that has been continuously licensed to operate for more than five years in the State, as follows:~~

a. ~~If the balance of the Student Protection Fund in G.S. 115D-95.1 is below the catastrophic loss amount, the school shall file a guaranty bond in an amount equal to the maximum amount of prepaid tuition held by the school during the prior fiscal year multiplied by the percentage amount the fund is deficient.~~

b. ~~If the school held prepaid tuition in excess of the Student Protection Fund catastrophic loss amount during the prior fiscal year, in addition to any bond amount required by sub-subdivision a. of this subdivision, the school shall file a guaranty bond for the difference between the prepaid tuition amount held in the previous fiscal year and the Fund catastrophic loss amount."~~

SECTION 3.(d) G.S. 115D-95.1 reads as rewritten:

"§ 115D-95.1. Student Protection Fund.

(a) Definitions. – As used in this section:

(1) "Catastrophic loss amount" means the amount of funds required to protect prepaid student tuition in case of a large-scale event that would draw against the Student Protection Fund. The amount is ~~one million dollars (\$1,000,000).~~one million five hundred thousand dollars (\$1,500,000).

(2) "Fund cap amount" means the catastrophic loss amount plus a reserve amount. The amount is ~~one million five hundred thousand dollars (\$1,500,000).~~two million dollars (\$2,000,000).

...

(f) Suspension of Payments. – ~~If the Student Protection Fund balance is equal to or exceeds the Fund cap amount, the State Board of Proprietary Schools shall suspend payments into the Fund for schools that have been continuously licensed in the State for more than eight years. The State Board of Proprietary Schools shall require schools to resume payments into the Fund if the balance of the Fund is less than the catastrophic loss amount.~~The State Board of Proprietary Schools shall suspend payments into the Fund, as follows:

(1) For schools that are currently licensed in this State, if the Student Protection Fund balance is equal to or exceeds the catastrophic loss amount.

(2) For schools applying for initial licensure with the State, if the Student Protection Fund balance is equal to or exceeds the fund cap amount.

(3) If the Student Protection Fund balance decreases below the catastrophic loss amount, the State Board shall reinstate the requirement for schools to make payments into the Fund.

...."

SECTION 3.(e) Subsection (a) of this section applies beginning with appointments made on or after the date this act becomes law. Subsection (b) of this section becomes effective July 1, 2024, and applies to licenses issued or renewed on or after that date. Subsections (c) and (d) of this section become effective July 1, 2025, and apply to licenses issued or renewed on or after that date. Except as otherwise provided, this section becomes effective July 1, 2024.

PART IV. EXPAND CAREER AND COLLEGE READY GRADUATE PROGRAM

1 **SECTION 4.** Section 10.13(a) of S.L. 2015-241, as amended by Section 10.5 of S.L.
2 2016-94 and Section 9.4 of S.L. 2018-5, reads as rewritten:

3 **"SECTION 10.13.(a)** The State Board of Community Colleges, in consultation with the
4 State Board of Education, shall develop a program for implementation beginning with model
5 programs in the 2016-2017 school year that introduces the college developmental mathematics
6 and developmental reading and English curriculums in the high school senior ~~year-year~~, including
7 the immediately preceding summer, and provides opportunities for college remediation for
8 students prior to high school graduation through cooperation with community college partners.
9 Professional development for high school faculty shall begin with the 2018-2019 school year.
10 The program shall be phased in by cohorts developed by the Department of Public Instruction
11 beginning with the 2019-2020 school year. The program shall be fully implemented in all high
12 schools statewide beginning with the 2020-2021 school year."
13

14 **PART V. LEARNING MANAGEMENT SYSTEM**

15 **SECTION 5.(a)** The State Board of Community Colleges shall conduct a
16 competitive solicitation, including a request for information or a request for proposals, to provide
17 a learning management system to all community colleges. The competitive solicitation shall be
18 completed by April 1, 2025. Answers to the competitive solicitation shall include information on
19 how the learning management system would align with the learning management systems (i)
20 offered by the Department of Public Instruction to local school administrative units and (ii) used
21 by the constituent institutions of The University of North Carolina.

22 **SECTION 5.(b)** By April 1, 2025, the State Board shall report to the Senate
23 Appropriations Committee on Education/Higher Education, the House Appropriations
24 Committee on Education, and the Fiscal Research Division on the information received.
25

26 **PART VI. FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE** 27 **PUBLIC/PRIVATE PARTNERSHIP**

28 **SECTION 6.** Notwithstanding G.S. 115D-15(a), 115D-20(13)a. through c. and g.,
29 143-129, and 143-341, the Board of Trustees of Fayetteville Technical Community College
30 (Board of Trustees) may enter into a public/private partnership with an automotive services
31 company (Company) to provide for construction on or renovations to real property located at
32 3211 Fort Bragg Road in Fayetteville, North Carolina (Facility). The following terms shall apply
33 to the public/private partnership:

- 34 (1) Title to the real property remains with the Board of Trustees.
- 35 (2) The Company shall incur at least eighty percent (80%) of the cost of
36 constructing or renovating the Facility. State funds shall not be used for the
37 construction or renovation of the Facility.
- 38 (3) The Company is authorized to select its own designer, architect, and general
39 contractor to perform the construction or renovations. All construction or
40 renovations shall be done in accordance with the relevant building codes.
- 41 (4) The Board of Trustees is authorized to lease the Facility to the Company for
42 a term of 10 years without a monthly rental rate.
- 43 (5) The Company may use up to twenty-five percent (25%) of the Facility to
44 operate a retail establishment while leasing the Facility.
- 45 (6) Fayetteville Technical Community College and the Company shall jointly use
46 seventy-five percent (75%) of the Facility during the lease to expand
47 employment pathways that prepare students for high demand employment
48 positions in the automotive technology repair and maintenance sector.
49

50 **PART VI.1. CHANGES TO THE AI SCHOOL SAFETY PILOT PROGRAM**

51 **SECTION 6.1.** Section 7.36(h) of S.L. 2023-134 reads as rewritten:

1 "SECTION 7.36.(h) Artificial Intelligence (AI) Pilot. – Of the funds appropriated to the
 2 Department of Public Instruction by this act for the grants provided in this section for the
 3 2023-2024 fiscal year, the Department shall allocate (i) three million two hundred thousand
 4 dollars (\$3,200,000) as a directed grant to New Hanover County Schools and (ii) two million
 5 dollars (\$2,000,000) as a directed grant to Davidson County Schools ~~for to contract with Vyze~~
 6 by Eviden to conduct an AI School Safety Pilot Program. In conducting the Pilot Program,
 7 participating public school units shall comply with the following:

8 (1) Funds allocated for the Pilot Program shall be used for the implementation of
 9 a school safety system that integrates AI technology into existing ~~access~~
 10 ~~controls, alerting protocols, and intercom systems.~~ cameras, video
 11 management systems, and alerting protocols.

12 (1a) The proposed school safety solution must offer the following performance
 13 capabilities:

- 14 a. Threatening Object Detection.
- 15 b. Intruder Detection.
- 16 c. Person Down Detection.
- 17 d. Door Open Detection.
- 18 e. Tag and Track.
- 19 f. Facial Recognition.
- 20 g. Forensic Face Search.
- 21 h. License Plate Reader.

22 (2) No later than January 15, 2025, the participating public school units, in
 23 coordination with the Department of Public Instruction, shall report to the
 24 Joint Legislative Education Oversight Committee the following information:

- 25 a. The schools that participated in the Pilot Program.
- 26 b. How grant funds were spent.
- 27 c. The impact the Pilot Program had on school safety outcomes.
- 28 d. Any noted capabilities of the AI system that could not be accomplished
 29 by more traditional safety measures.
- 30 e. Any other information the participating public school units or the
 31 Department deem relevant to the report."
 32

33 PART VI.2. CHANGES TO THE SPECIAL NEEDS PILOT PROGRAM

34 SECTION 6.2. Section 7.53 of S.L. 2023-134 reads as rewritten:

35 "SECTION 7.53. Of the funds appropriated to the Department of Public Instruction, the sum
 36 of nine hundred seventy-five thousand dollars (\$975,000) in nonrecurring funds for each year of
 37 the 2023-2025 fiscal biennium shall be used to contract with Amplio Learning Technologies,
 38 Inc., to create a new pilot program (Program) for a special education digital intervention software
 39 platform in ~~Alamance County Schools, Catawba County Schools, and Nash County Schools~~
 40 Cabarrus County Schools, Union County Schools, and Vance County Schools to increase
 41 opportunities for students with special needs. The Program shall focus primarily on students
 42 receiving interventions for speech language and reading development, including English
 43 language learners, to provide more optimized progress for the interventions. To provide more
 44 effective and efficient opportunities for Medicaid billing for speech language pathologists (SLP)
 45 services and dyslexia-related services, the platform chosen should include digital evidence-based
 46 curricula specifically aligned to speech, language, and literacy intervention goals. The chosen
 47 solution should include real-time automatic measurements, data collection, and documentation,
 48 as well as goal tracking and administrative dashboards. The platform chosen should be a
 49 web-based application accessible on multiple devices allowing flexible application across
 50 classroom-based, small group, and individual intervention models and utilized by a variety of
 51 intervention team members, including special educators, SLPs, Reading Interventionists, SLP

1 assistants, and educational aides. The Department of Public Instruction shall provide an interim
2 report on the results of the Program to the Joint Legislative Education Oversight Committee and
3 the Fiscal Research Division by June 30, 2025. The Department of Public Instruction shall report
4 on the final results of the Program to the Joint Legislative Education Oversight Committee and
5 the Fiscal Research Division by October 15, ~~2025-2027~~. The report shall include at least (i) a
6 comparison of Medicaid reimbursements paid out to participating public school units compared
7 against public school units that did not participate in the Program and (ii) a comparison of
8 Medicaid reimbursements paid out to public school units after participating in the Program
9 compared against Medicaid reimbursements paid out to participating public school units prior to
10 their participation in the Program."

11 12 **PART VI.3. HOUR REQUIREMENT FOR MASSAGE THERAPY LICENSURE**

13 **SECTION 6.3.(a)** G.S. 90-629 reads as rewritten:

14 **"§ 90-629. Requirements for licensure to practice.**

15 Upon application to the Board and the payment of the required fees, an applicant may be
16 licensed as a massage and bodywork therapist if the applicant meets all of the following
17 qualifications:

- 18 (1) Has obtained a high school diploma or equivalent.
- 19 (2) Is 18 years of age or older.
- 20 (3) Is of good moral character as determined by the Board.
- 21 (4) Has successfully completed a training program consisting of a minimum of
22 500-650 in-class hours of supervised instruction at a Board-approved school.
- 23 (5) Has passed a competency assessment examination that meets generally
24 accepted psychometric principles and standards and is approved by the Board.
- 25 (6) Has submitted fingerprint cards in a form acceptable to the Board at the time
26 the license application is filed and consented to a criminal history record check
27 by the State Bureau of Investigation.
- 28 (7) Demonstrates satisfactory proof of proficiency in the English language."

29 **SECTION 6.3.(b)** This section becomes effective July 1, 2024, and applies to
30 licenses issued on or after that date.

31 32 **PART VII. EFFECTIVE DATE**

33 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
34 law.