

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 436

Short Title: Various Higher Education Changes.-AB (Public)

Sponsors: Senator Ballard (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 2, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE HIGHER EDUCATION LAWS.  
3 The General Assembly of North Carolina enacts:  
4

5 **PART I. THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

6 **SECTION 1.1.** Community colleges permitted to provide insurance in lieu of bond.  
7 – G.S. 115D-58.10 reads as rewritten:

8 "**§ 115D-58.10. Surety ~~bonds~~, bonds and related insurance.**

9 The State Board of Community Colleges shall determine what State employees and  
10 employees of institutions shall give bonds or be insured for the protection of State funds and  
11 property and the State Board is authorized to place the ~~bonds~~ bonds, determine adequate  
12 insurance coverage, and pay the premiums thereon from State funds.

13 The board of trustees of each institution shall require all institutional employees authorized  
14 to draw or approve checks or vouchers drawn on local funds, and all persons authorized or  
15 permitted to receive institutional funds from whatever source, and all persons responsible for or  
16 authorized to handle institutional property, to be bonded by a surety company authorized to do  
17 business with the State in such amount as the board of trustees deems sufficient for the protection  
18 of such property and funds. In lieu of a bond, the board of trustees may obtain and maintain  
19 adequate insurance coverage sufficient for the protection of institutional funds and property. The  
20 tax-levying authority of each institution shall provide the funds necessary for the payment of the  
21 premiums of ~~such bonds, the bonds or for insurance coverage.~~

22 **SECTION 1.2.(a)** Codify the president's authority to reorganize. – G.S. 115D-3  
23 reads as rewritten:

24 "**§ 115D-3. Community Colleges System Office; ~~staff~~, staff; reorganization authority.**

25 (a) The Community Colleges System Office shall be a principal administrative  
26 department of State government under the direction of the State Board of Community Colleges,  
27 and shall be separate from the free public school system of the State, the State Board of  
28 Education, and the Department of Public Instruction. The State Board has authority to adopt and  
29 administer all policies, regulations, and standards which it deems necessary for the operation of  
30 the System Office.

31 The State Board shall elect a President of the North Carolina System of Community Colleges  
32 who shall serve as chief administrative officer of the Community Colleges System Office. The  
33 compensation of this position shall be fixed by the State Board from funds provided by the  
34 General Assembly in the Current Operations Appropriations Act.

35 The President shall be assisted by such professional staff members as may be deemed  
36 necessary to carry out the provisions of this Chapter, who shall be elected by the State Board on



1 nomination of the President. The compensation of the staff members elected by the Board shall  
2 be fixed by the State Board of Community Colleges, upon recommendation of the President of  
3 the Community College System, from funds provided in the Current Operations Appropriations  
4 Act. These staff members shall include such officers as may be deemed desirable by the President  
5 and State Board. Provision shall be made for persons of high competence and strong professional  
6 experience in such areas as academic affairs, public service programs, business and financial  
7 affairs, institutional studies and long-range planning, student affairs, research, legal affairs,  
8 health affairs and institutional development, and for State and federal programs administered by  
9 the State Board. In addition, the President shall be assisted by such other employees as may be  
10 needed to carry out the provisions of this Chapter, who shall be subject to the provisions of  
11 Chapter 126 of the General Statutes. The staff complement shall be established by the State Board  
12 on recommendation of the President to insure that there are persons on the staff who have the  
13 professional competence and experience to carry out the duties assigned and to insure that there  
14 are persons on the staff who are familiar with the problems and capabilities of all of the principal  
15 types of institutions represented in the system. The State Board of Community Colleges shall  
16 have all other powers, duties, and responsibilities delegated to the State Board of Education  
17 affecting the Community Colleges System Office not otherwise stated in this Chapter.

18 (b) Notwithstanding any other provision of law, the President may reorganize the System  
19 Office in accordance with recommendations and plans submitted to and approved by the State  
20 Board of Community Colleges. If a reorganization is implemented pursuant to the subsection,  
21 including any movement of positions and funds between fund codes on a recurring basis, the  
22 President shall report by March 1 of the fiscal year in which the reorganization occurred to the  
23 Joint Legislative Education Oversight Committee."

24 **SECTION 1.2.(b)** This section becomes effective July 1, 2019.

## 25 **PART II. UNIVERSITY OF NORTH CAROLINA SYSTEM**

26 **SECTION 2.1.(a)** UNC Laboratory Schools. – G.S. 116-239.8(b)(4) reads as  
27 rewritten:  
28

29 "(4) Food and transportation services. – The local school administrative unit in  
30 which the laboratory school is located shall provide ~~food services and~~  
31 transportation to students attending who reside in the local school  
32 administrative unit and attend the laboratory school, including any  
33 students who are homeless and require assistance pursuant to 42 U.S.C. §  
34 11301, et seq., the McKinney-Vento Homeless Assistance Act. The  
35 requirement to provide transportation to students residing in the local school  
36 administrative unit shall (i) apply regardless of where a laboratory school  
37 student resides in the unit or how the unit's transportation policies and  
38 practices are applied to other students and (ii) includes providing  
39 transportation of students and personnel for laboratory school extracurricular  
40 activities and educational trips in the same manner as other schools in the unit  
41 for that school year. The local school administrative unit in which the  
42 laboratory school is located shall ~~administer~~ administer, at its cost, the  
43 National School Lunch Program for the laboratory school in accordance with  
44 G.S. 115C-264. The chancellor shall arrange for the provision of these  
45 services from the local school administrative unit."

46 **SECTION 2.1.(b)** G.S. 116-239.5 is amended by adding a new subsection to read:

47 "(e) In addition to all other immunities provided to them by applicable State law, the  
48 Subcommittee, chancellor, the constituent institution, an advisory board, and a laboratory school,  
49 and their members, employees, and agents, shall be entitled to the specific immunities provided  
50 for in Chapter 115C of the General Statutes applying to the State Board of Education,  
51 Superintendent of Public Instruction, a local board of education, a local school administrative

1 unit, and their members and employees. Any such immunity to liability established by this  
2 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that  
3 would otherwise be actionable. Immunity established by this subsection shall be deemed to be  
4 waived to the extent of indemnification under Articles 31A and 31B of Chapter 143 of the  
5 General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as  
6 set forth in Article 31 of Chapter 143 of the General Statutes."

7 **SECTION 2.1.(c)** G.S. 116-239.5(a) reads as rewritten:

8 "(a) The Board of Governors, upon recommendation by the President, shall designate at  
9 least ~~nine~~-~~six~~ constituent institutions to submit proposals to establish laboratory schools to serve  
10 public school students in accordance with the provisions of this Article. The Board of Governors  
11 shall select constituent institutions with high-quality educator preparation programs as  
12 demonstrated by the annual performance measures reported by the constituent institutions in  
13 accordance with G.S. 115C-296.35. The Board of Governors' Subcommittee on Laboratory  
14 Schools established under G.S. 116-239.7 shall review the proposals and approve at least ~~nine~~  
15 ~~six~~ of the proposals to establish laboratory schools. The Subcommittee shall oversee the  
16 operations of those laboratory schools to meet the purposes set forth in this Article."

17 **SECTION 2.1.(d)** G.S. 116-239.7(a1) reads as rewritten:

18 "(a1) Approval of Laboratory Schools. – The Board of Governors, upon the  
19 recommendation of the President, shall designate at least ~~nine~~-~~six~~ constituent institutions to  
20 establish and operate laboratory schools. The chancellor of each constituent institution shall  
21 adopt and submit to the Subcommittee a proposal to operate a laboratory school in a local school  
22 administrative unit that meets the minimum threshold for the number of low-performing schools  
23 located in the unit under G.S. 116-239.6(4). The proposal shall include the governance structure  
24 of the laboratory school. The Subcommittee shall evaluate the proposals for approval or  
25 disapproval by considering the design components and the strategic focus of the laboratory  
26 school and any other standards developed by the Subcommittee to be applicable to all laboratory  
27 schools. The Subcommittee shall also consider the location of each laboratory school so that, to  
28 the extent possible, there is a geographically diverse distribution of the laboratory schools  
29 throughout the State and a maximum of one laboratory school located in a qualifying local school  
30 administrative unit. From the proposals submitted to the Subcommittee, the Subcommittee shall  
31 approve the establishment of at least ~~nine~~-~~six~~ laboratory schools."

32 **SECTION 2.1.(e)** Section 11.6(d) of S.L. 2016-94, as amended by Section 4 of S.L.  
33 2017-177, reads as rewritten:

34 "**SECTION 11.6.(d)** Notwithstanding G.S. 116-239.5, at least ~~nine~~-~~six~~ laboratory schools  
35 shall be established pursuant to Article 29A of Chapter 116 of the General Statutes, as enacted  
36 by this section, and in operation by the beginning of the 2019-2020 school year."

37 **SECTION 2.1.(f)** Subsection (b) of this section applies to an action or omission of  
38 an action occurring on or after the date this act becomes law. Subsection (a) of this section applies  
39 beginning with the 2019-2020 school year.

40 **SECTION 2.2.(a)** Future Teachers of North Carolina. – G.S. 116-41.30(b) reads as  
41 rewritten:

42 "(b) Program. – FTNC shall be a ~~program providing professional development and~~  
43 ~~curricula for courses that provide selective, application-based symposium for high school juniors~~  
44 ~~and seniors, offering a challenging introduction to teaching as a profession for high school~~  
45 ~~students through courses offered by participating high schools in conjunction with college~~  
46 ~~partners. profession. FTNC courses shall include both content on pedagogy and the profession~~  
47 ~~of teaching and field experiences for high school students. provide instruction on pedagogy, ethics~~  
48 ~~and professionalism, child development, successful teaching strategies and classroom~~  
49 ~~management practices, effective lesson planning, assessment and intervention, and requirements~~  
50 ~~of teacher licensure. The FTNC Symposium should provide practical benefits to participating~~  
51 ~~students, which may include interaction with current educators, administrators, and educator~~

1 preparation program faculty members, a simulated student teaching experience, and information  
2 about financial aid and scholarship opportunities."

3 **SECTION 2.2.(b)** G.S. 116-41.31 reads as rewritten:

4 "**§ 116-41.31. Oversight of Future Teachers of North Carolina.**

5 (a) ~~FTNC General Administration.~~ System Office. – FTNC shall be administratively  
6 located in The University of North Carolina System Office. The President shall ~~select three~~  
7 ~~constituent institutions with highly successful schools of education located in the western,~~  
8 ~~central, and eastern regions of the State, respectively, to collaborate on development of curricula~~  
9 ~~for FTNC and to provide professional development to high school teachers who will teach FTNC~~  
10 ~~courses. The three constituent institutions shall also work with other constituent institutions and~~  
11 ~~other institutions of higher education in the State to seek input in the development of curricula~~  
12 ~~and professional development for FTNC and to create a network of college faculty to provide~~  
13 ~~support to high schools offering FTNC courses.~~ establish a Future Teachers of North Carolina  
14 Advisory Council (FTNC Council) to oversee the FTNC program. At the President's discretion,  
15 the FTNC Council shall coordinate with constituent institutions to utilize expertise from  
16 administrators, faculty, and staff members of institutions of higher education in designing the  
17 agenda and instructional content for the FTNC Symposium. The FTNC Council shall ensure  
18 diverse representation of the educator preparation programs represented at the FTNC  
19 Symposium. The FTNC Council shall also be responsible for creating an application process for  
20 interested high school students, reviewing submitted applications, selecting students to attend,  
21 and recruitment and outreach efforts.

22 (b) ~~FTNC Site Applications.~~ — All high schools in the State are encouraged to offer FTNC  
23 courses to students. A high school shall ~~apply to offer FTNC courses with the geographically~~  
24 ~~appropriate constituent institution overseeing FTNC and shall ensure that all teachers teaching~~  
25 ~~FTNC courses have received appropriate training. High schools shall also seek a partner~~  
26 ~~institution of higher education to provide support from college faculty. High schools participating~~  
27 ~~in the FTNC program shall report demographic, survey, and other available outcome data to The~~  
28 ~~University of North Carolina System Office as necessary for completion of the FTNC annual~~  
29 ~~report required by G.S. 116-41.32.~~

30 (c) ~~FTNC Institution of Higher Education Partners.~~ — Constituent institutions that partner  
31 with high schools shall offer dual credit for high school students who successfully complete the  
32 FTNC course with a grade of "B" or higher. Other institutions of higher education that partner  
33 with high schools are encouraged to offer dual credit for high school students who successfully  
34 complete the FTNC course with a grade of "B" or higher. Constituent institutions shall provide  
35 annually to The University of North Carolina System Office data on students who have received  
36 dual credit for completion of an FTNC course and students who applied for admission into an  
37 educator preparation program at a constituent institution who indicated in the application for  
38 admission that the student completed an FTNC course. Other institutions of higher education are  
39 encouraged to provide annually to The University of North Carolina System Office data on  
40 students who have received dual credit for completion of an FTNC course and students who  
41 applied for admission into an educator preparation program at the institution of higher education  
42 who indicated in the application for admission that the student completed an FTNC course."

43 **SECTION 2.2.(c)** G.S. 116-41.32 reads as rewritten:

44 "**§ 116-41.32. Future Teachers of North Carolina reporting.**

45 The University of North Carolina System Office shall report annually, beginning October 15,  
46 ~~2019, 2020,~~ on the following:

- 47 (1) ~~Total number and names of local school administrative units with List of high~~  
48 ~~schools and local school administrative units represented by participating in~~  
49 ~~FTNC, total number and names of high schools offering FTNC, partner~~  
50 ~~institution of higher education for each high school, and number of sections~~  
51 ~~of the course being offered at each high school.~~ students.

- 1           (1a) Number of students who submitted an application to attend the FTNC  
2           Symposium.
- 3           (1b) Number of students attending the FTNC Symposium, including distribution  
4           by region.
- 5           (2) ~~Demographic information of students enrolled in FTNC courses attending the~~  
6           FTNC Symposium.
- 7           (2a) Description of the event agenda and content.
- 8           (3) ~~Percentage of students who, after completing the course, attending the FTNC~~  
9           Symposium, reported the following:
- 10           a.       The student plans to choose teaching as a profession.
- 11           a1.      The student plans to enroll in a community college, a constituent  
12           institution, a private postsecondary institution located in North  
13           Carolina, or a postsecondary institution located in another state.
- 14           b.       ~~The course FTNC Symposium was very or somewhat effective in~~  
15           helping the student formulate a positive perception of the education  
16           profession.
- 17           c.       ~~The coursework and activities FTNC Symposium increased the~~  
18           student's knowledge of the teaching profession and other careers in  
19           education.
- 20           d.       ~~The field experience helped the student understand the many factors~~  
21           ~~that contribute to effective teaching.~~
- 22           (4) ~~Percentage of students who completed an FTNC course who received dual~~  
23           ~~credit for successful completion of the course, by institution.~~
- 24           (5) ~~Percentage of students who completed an FTNC course who applied for~~  
25           ~~admission into an educator preparation program, by institution.~~
- 26           (6) ~~Number of teachers provided professional development for FTNC."~~

27           **SECTION 2.3.(a)** UNC Board of Governors Planning Task Force. – Section 36.6 of

28 S.L. 2018-5 reads as rewritten:

29           **"SECTION 36.6.(a)** There is created the UNC Board of Governors Planning Task Force.  
30 The Task Force shall consist of four current Board members appointed by the Board of  
31 Governors, one of whom shall be designated as chair. These appointments shall be made no later  
32 than August 1, 2018.

33           **"SECTION 36.6.(b)** The Task Force shall conduct a systemwide analysis of the capital  
34 needs of the campuses of each constituent institution in relation to the Science Technology  
35 Engineering and Mathematics (STEM) subject area, taking into account the strengths,  
36 weaknesses, opportunities, and needs of each constituent institution, and any regional similarities  
37 and differences. The Task Force shall also consider the impact of any relevant programmatic  
38 planning elements being currently utilized that could be implemented as a best-practice among  
39 other similar programmatic areas to encourage systemwide efficiencies. In particular, the Task  
40 Force shall consider the capital needs relating to the Brody School of Medicine at East Carolina  
41 University, the UNC Applied Physical Sciences and Institute for Convergent Science in Chapel  
42 Hill, and other STEM projects to determine areas where capital funds may be used more  
43 efficiently and effectively. The Task Force shall use the information gathered pursuant to this  
44 subsection to compile a UNC System Plan.

45           **"SECTION 36.6.(c)** The three million dollars (\$3,000,000) appropriated to the Board of  
46 Governors of The University of North Carolina in Section 36.2 of this act shall be used by the  
47 Task Force in conducting the analysis described in subsection (b) of this section. The Task Force  
48 shall submit a preliminary report on or before April 1, 2019. On or before April 1, 2019, February  
49 1, 2020, the Task Force shall submit a final report containing the UNC System Plan and any  
50 legislative recommendations to the Joint Legislative Capital Improvements Oversight Committee  
51 and the Fiscal Research Division.

1        "SECTION 36.6.(d) The funds appropriated in Section 36.2 of this act to the Board of  
2 Governors for the Task Force for the 2018-2019 fiscal year shall not revert at the end of the  
3 2018-2019 fiscal year but shall remain available until the end of the 2019-2020 fiscal year for  
4 the purposes set forth in this section."

5                **SECTION 2.3.(b)** This section becomes effective June 30, 2019.

6                **SECTION 2.4.(a)** UNC Enrollment Growth Funds. – The funds appropriated by S.L.  
7 2018-5 for enrollment adjustments for The University of North Carolina, including funds for the  
8 NC Promise Tuition Plan, to a reserve account in the Office of State Budget and Management  
9 for the 2018-2019 fiscal year shall not revert at the end of the 2018-2019 fiscal year but shall  
10 remain available until the end of the 2019-2020 fiscal year for the purpose of the "buy down" of  
11 any financial obligations resulting from the established tuition rate under G.S. 116-143.11  
12 incurred by Elizabeth City State University, the University of North Carolina at Pembroke, and  
13 Western Carolina University, or for rapid growth at any of those constituent institutions.

14                **SECTION 2.4.(b)** This section becomes effective June 30, 2019.

15  
16 **PART III. EFFECTIVE DATE**

17                **SECTION 3.** Except as otherwise provided in this act, this act is effective when it  
18 becomes law.