

## 2009 EDUCATION RECAP

Completion of the \$19 billion state budget dominated much of the recent legislative session. However, aside from providing \$11.1 billion to fund public education, lawmakers also approved significant legislation impacting schools and colleges and universities. Highlights of new education laws include:

### ***KEY LEGISLATION IMPACTING K-12 EDUCATION***

**Senate Bill 198/S.L.2009-2**, Introduced by Sen. Vernon Malone (D-Wake) et al. This law changed membership of State Board of Education to allow Governor Perdue to create the position of CEO for public schools. In February, Perdue appointed Dr. Bill Harrison to the position. The legislation prompted a legal challenge by current Superintendent of Public Instruction, June Atkinson. Atkinson challenged the Governor's authority to transfer the powers and responsibilities of a constitutional office (Superintendent of Public Instruction). In June, Wake County Superior Court Judge Robert Hobgood ruled Perdue cannot appoint her own CEO for public schools and reaffirmed the Office of Superintendent of Public Instruction as the office in charge of public education in North Carolina.

**House Bill 88/S.L.2009-213**. Introduced by Rep. Bob England (D-Rutherford) et al. Labeled the "Healthy Youth Act," this bill supplants North Carolina's policy of teaching abstinence until marriage. The legislation creates a comprehensive sex ed curriculum that charges local administrative units to teach seventh graders about reproductive health, sexually transmitted diseases -- including HIV/AIDS, contraception and other comprehensive sex education topics. The law changes the emphasis of the state's policy from abstinence until marriage to a policy that discourages moral judgment about sexual activity or sexual activity outside of wedlock.

**Senate Bill 526/S.L.2009-212**. Introduced by Sen. Julia Boseman (D-Wilmington) et al. The controversial "School Violence Prevention Act" known by many others as the "Bullying Bill" marks the first time sexual orientation appears as a protected class in North Carolina State statutes. Opponents fear the designation will be used by gay and lesbian advocates to help destroy the concept of traditional marriage. A similar but less controversial bill, which did not include sexual orientation protections, garnered sixty-two signatures, a majority in the Senate. Legislative leaders, however, refused to let the bill come for a vote.

**House Bill 316/S.L.2009-239**. Introduced by Rep. Maggie Jeffus (D-Guilford) et al. This law allows charter schools to grant admission priority to the twin of any sibling assigned to a charter school.

**HB 223/S.L.2009-60**. Introduced by Rep. Jimmy Love (D-Harnett) et al. The High School Graduation Project (HSGP) is removed as a requirement for graduation in North Carolina under this law. The legislation, however, does not bar local school districts from requiring HSGP.

**HB 218/S.L. 2009-61**. Introduced by Rep. Rick Glazier (D-Fayetteville) et al. In cases where students will be recommended for suspension or expulsion, the law requires schools to provide written notice to parents or guardians on the day the suspension or expulsion begins. Notification

will include description of the action leading to recommendation, statement of conduct policy provisions that have been violated, a description of the hearing process and reiteration of the parents' right to legal counsel and the right to review all student records.

**HB 1078/S.L. 2009-410.** Introduced by Rep. Laura Wiley (R-Guilford) et al. Requires all school violence acts to be reported to Superintendent's office. Local school boards are required to develop policy of how the incident will be reported to students, parents and guardians and law enforcement officials.

**HB 1117/S.L.2009-49.** Introduced by Rep. Russell Tucker (D-Duplin) et al. Prohibits registered sex offenders from driving school buses.

**HB 440/S.L 2009.** *Nicholas Adkins School Bus Safety Act*, Introduced by Rep. Dale Folwell R-Forsythe) et al. Allows school districts to use camera and automated video equipment to detect individuals who pass stopped school buses. Law makes the violation a Class H felony.

**HB 551/S.L.2009-551.** Introduced by Rep. Nick Mackey (D-Mecklenburg) et al. Attempts to prohibit "cyber bullying" or other actions done with the intent of intimidating or tormenting a minor, minor's parents or guardians.

#### ***KEY LEGISLATION IMPACTING COMMUNITY COLLEGES***

**HB 65/S.L 2009-46.** Introduced by Rep. Joe Tolson (D-Edgecombe) et al. Allows intellectually gifted students under the age of sixteen to enroll in North Carolina Community Colleges.

**HB 808/S.L. 2009-229.** Introduced by Rep. James Gulley (R-Mecklenburg) et al. Removes certain capital improvement reporting requirements for community colleges and gives institutions greater flexibility to streamline their construction process.

#### ***KEY LEGISLATION IMPACTING UNC SYSTEM***

**HB 1508/S.L. 2009-209.** Introduced by Rep. Bill Owens (D-Camden). Authorizes "two-thirds" bonds up to \$223 million for the Biomedical Research Imaging Center at UNC Chapel Hill and changes the level of special indebtedness bonding on other UNC capital projects.

#### ***SELECTED EDUCATION LEGISLATION THAT FAILED TO PASS***

**HB 126.** Introduced by Rep. Jim Gulley (R-Mecklenburg) et al. Eliminates the current limit (100) on the number of North Carolina Charter Schools. Bill was not voted out of Education Committee.

**HB 443.** Introduced by Rep. Paul Stam (R-Wake) et al. This bill would raise maximum class size limits for grades 1-12 by one student for the 2009-2010 school year. Bill was not voted out of House Education Committee.

**HB 687** Introduced by Rep. Paul Stam (R-Wake) et al. Bill would make parents of special needs children eligible for a tax credit of up to \$3,000 for expenses related to tuition, special education services and related expenses. Bill was not voted out of House Committee on Education.

**SB 927.** Introduced by Sen. Tom Apodaca (R-Buncombe) et al. Bill would require State Board of Education to develop nationally normed test for students in grades 3-8. Bill was not voted out of Senate Committee on Education/Higher Education.

**SB 155.** Introduced by Sen. Phillip Berger (R-Rockingham) et al. Bill would prohibit North Carolina Community Colleges from admitting illegal immigrants and limit admission to those students lawfully residing in the United States. Bill not voted out of Senate Education/Higher Education Committee.

**H 83.** Introduced by Rep. Pricey Harrison (D-Guilford). For tuition purposes, all UNC students currently receiving athletic and academic scholarships are designated as in-state students. The designation results in a windfall for athletic booster clubs but has also had the effect of increasing the total number of out-of-state students. HB 83 would limit the in-state designation to academic scholarships only. Bill was voted out of House Education Committee but failed to pass House Appropriations Committee.