



2021 Enacted Laws Affecting Public Schools

The following is the North Carolina Association of School Administrators’ summary of the major law changes the 2021 General Assembly approved to affect the funding and operations of public schools. The legislation is listed in numeric order in the Table of Contents and by subject matter on the pages that follow. To view the full text of the enacted law, press Ctrl and click on the blue bill number listed with each summary.

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Budget

S105: 2021 Appropriations Act (=S.L. 2012-180)

S105 Committee “Money” Report

- Makes base budget appropriations for current operations of state agencies, department, and institutions and for other purposes. To access NCASA’s summary of the 2021 state budget package, please click [HERE](#).
- **EFFECTIVE DATE:** Except otherwise provided, this act is effective July 1, 2021.

H334: Budget Technical Corrections. (=S.L. 2021-189)

- **Bonus Eligibility For State Employees** (H334 Sec. 8.1, State Budget Sec. 39.2.(d)) — Changes eligibility of \$500 bonus for State & local education employees from those employed “as of January 1, 2022” to those employed “as of December 1, 2021.”
- **Flexible Administration Of Legislative Salary Increases** (H334 Sec. 8.3, State Budget Sec. 39.17(a)(1)) — Clarifies employees who leave public school service prior to Dec. 31 are not eligible for the legislated salary increases provided in the state budget.
- **Broadband Projects County Cap Change** (H334 Sec. 10.1, State Budget Sec. 38.5) — Lowers the cap on funds that may be granted to individual counties as broadband project grants under “Stopgap Solutions-Federal Broadband Funds” from 10% of funds to 5% of funds for any single county.
- **Revise Time Frame For Attendance/Truancy Audit** (H334 Sec. 2.2, State Budget Sec. 7.27(a))—Expands the timeframe for the State Auditor to analyze attendance and truancy policies & procedures in schools from an analysis of the 2021-2022 school year only, to an analysis *beginning* in the 2021-2022 school year.
- **EFFECTIVE DATE:** Except otherwise provided, this act is effective July 1, 2021.

COVID-19 Response & Relief

H82: Summer Learning Choice For NC Families (=S.L. 2021-7)

- Established school learning recovery & enrichment programs in each LEA to mitigate the impacts of COVID-19 on students.
- **EFFECTIVE DATE:** This act is effective when it becomes law (4/9/21).

H96: Allows Pharmacists To Administer Injectable Drugs (=S.L. 2021-110)

- Requires parental consent for administration of vaccines under an “emergency use authorization” to a minor.
- **EFFECTIVE DATE:** This section of the act is effective when it becomes law (8/20/21).

H196: 2021 COVID-19 Response & Relief (=S.L. 2021-3)

- Allocated \$43M for education and \$85M for nonpublic education to spend at Governor’s discretion;
- Allocated \$145.3M in DPI’s share of ESSER 2 funds, leaving only \$15M for discretionary use;
- Allocated \$9M in additional G.R.E.A.T. broadband access grants.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (3/11/21).

S36: 2020 COVID Relief Bill Modifications (=S.L. 2021-1)

- Appropriates \$1.6B in federal ESSER 2 funds to PSUs (must spend by 9/30/23); Extends 12/30/20 deadline for spending previous federal relief funds to 9/30/22;
- Repeals OPR authority to reallocate unexpended federal relief funds;
- Extends through May 31 parent eligibility for Extra Credit Grant checks of \$335.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (2/10/21).

S172: Additional COVID-19 Response & Relief (=S.L. 2021-25)

- Established the “State Fiscal Recovery Reserve and Fund” and various other Funds;
- Appropriates federal American Rescue Plan grant funds to various projects.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (5/24/21).

S220: The Reopen Our Schools Act Of 2021 (=S.L. 2021-4)

- Required all K-5 schools to open in Plan A no later than 21 days from bill signing (= April 1); Allowed Grades 6-12 to operate in either Plan A, Plan B, or combination the rest of 2020-21 school year.
- **EFFECTIVE DATE:** This act is effective when it becomes law (3/11/21).

S654: K-12 COVID-19 Provisions (=S.L. 2020-130)

- **Part I. School Performance Grades/Annual Report Cards**
 - Section 1.1. Display of School Performance Grades — Waives the requirement that the State Board of Education calculate achievement, growth, and performance scores or display school performance grades based on data from the 2020-2021 school year and requires the State Board to provide an explanation that those scores and grades were not calculated and assigned because assessment data was heavily impacted by COVID-19.
- **Section 1.2. Annual Report Cards** — Requires that school report cards based on data from the 2020-2021 school year contain only the minimum information required by the federal waiver granted by the United States Department of Education.
- **Part II. Low-Performing Schools**
 - Section 2.1. Low-Performing Schools — Prohibits the State Board from identifying low-performing schools (LPS) based on 2020-2021 data. Previously identified LPS would continue with that identification and plans for improvement. Additional parental notice of LPS status would not be required.
 - Section 2.2. Continually Low-Performing Schools — Prohibits the State Board from identifying continually low-performing schools (CLPS) based on 2020-2021 data. Previously identified CLPS would continue with that identification and plans for improvement. CLPS could continue to request use of a reform model.
 - Section 2.3. Low-Performing Local School Administrative Units — Prohibits the State Board from identifying low-performing local school administrative units (LP-LEA) based on 2020-2021 data. Previously identified LP-LEAs would continue with that identification and plans for improvement. Additional parental notice of LP-LEA status would not be required to be provided.
- **Part III. Public Schools Unit Calendars For The 2021-2022 School Year**
 - Section 3.(a). authorizes local school administrative units (LEAs) for the 2021- 2022 school year to use 5 days or 30 hours of remote instruction in the school calendar to address weather closures and other emergencies if the LEA submitted a remote instruction plan to the State Board by July 1.
 - A public school unit in a county that received a “good cause waiver” for the school year may use up to 15 remote instruction days or 90 remote instruction hours when schools are unable to open due to weather closures and other emergencies.
 - LEAs would not otherwise be authorized to use remote instruction during the 2021-2022 school year, except on a temporary basis for individual schools and classrooms (see Part IIIA below).
- **Part IIIA. Remote Instruction For COVID-19 Emergencies** — Section 3A authorizes public school units to make day-to-day decisions about shifting individual schools or classrooms to temporary remote instruction for the 2021-2022 school year due to COVID-19 exposures that result in insufficient school personnel or required student quarantines. Public school units would be required to notify the Department of Public Instruction of these temporary shifts within 72 hours.
- **Part IIIB. Planned Virtual Instruction** — For the 2021-2022 school year only, Section 3B would authorize schools to offer virtual instruction to students with the consent of the students' parents or guardians in accordance with a virtual instruction plan submitted to DPI by October 1, 2021. The virtual instruction plan would be required to include several components, including estimated enrollment and the methods by which enrollment, daily attendance, course credit accrual, progress toward graduation, and course completion will be monitored for students receiving virtual instruction. Public school units would not be authorized to use virtual instruction after June 30, 2022, without express authorization from the General Assembly, except for schools that were assigned a school code to operate primarily through virtual instruction as of May 1, 2021.
- **Part IIIC. Virtual Academies Study** — The Superintendent of Public Instruction would be required to establish a Working Group on Virtual Academies to make recommendations on the requirements for the virtual academy model to the Joint Legislative Education Oversight Committee no later than March 15, 2022.

- **Part IV. Principal Recruitment Supplement** — Sec. 4 would allow schools identified as eligible to receive principal recruitment supplements for 2019-2020 and 2020-2021 to be identified as eligible for 2021-2022.
- **Part V. Notification For Teacher Performance Data** — When EVAAS data in the 2021-2022 school year based on performance in the 2019-2020 and 2020-2021 school years is available, Section 5 would require principals to contextualize the reported data to clarify when the information reflects performance over multiple years and multiple teachers.
- **Part VI. Teacher Effectiveness Reporting Requirements** — When EVAAS data in the 2021-2022 school year based on performance in the 2019-2020 and 2020-2021 school years is available, Section 6 would require local school administrative units and the State Board to contextualize the reported data to clarify when the information reflects performance over multiple years and multiple teachers.
- **Part VII. Temporarily Extend CPR Graduation Requirement Changes** — Section 7 would allow students graduating in Spring 2021 who met all other graduation requirement to graduate if they were otherwise unable to complete CPR instruction due to COVID-19.
- **Part VIII. Teacher Licensure Requirements** — Section 8 would allow applicants for a Continuing Professional License (CPL) to have an extension until December 31, 2021, to complete the required examinations or coursework if they (i) have a license expiring June 30, 2021, and (ii) have not met the examination or coursework requirements by that date. Additionally, this section would allow individuals to receive a Residency License if they have a bachelor's degree or an advanced degree (or both).
- **Part IX. Clarify The Definition Of Year-Round School** — Section 9 would modify one of the year-round calendar options to cover a plan that schedules students four quarters between 43 and 47 instructional days each school calendar year, with vacation periods for students of between 14 and 18 days separating each quarter. Additionally, it would create a fourth year-round calendar option to cover a plan for a single-track instructional calendar that is identical to at least one track of a statutorily compliant multi-track instructional calendar in the same LEA.
- **Part X. Local Face Covering Policies** — Section 10 would require all public school units to adopt a policy for the 2021-2022 school year regarding the use of face coverings by employees and students. Public school units would be required to review the policies at least once a month.
- **Part XI. Temporarily Waive Certain Requirements That Relate To Driving Eligibility Certificates** — Section 11 temporarily requires a driving eligibility certificate (DEC) to be issued without requiring the person to whom it is issued be making progress toward obtaining a high school diploma or its equivalent, and would also prohibit a school authority from notifying the DMV of DEC ineligibility based on making progress grounds. This waiver would become effective when it becomes law and would expire on January 30, 2022.
- **Part XII. Restore Certain Permits And Provisional Licenses Revoked Due To Certificate Ineligibility** — Section 12 would require the DMV to restore a person's permit or provisional license that was revoked due to ineligibility for a driving eligibility certificate based on not making academic progress. This restoration requirement would apply to revocations dated on or after March 1, 2020, and through the effective date of this provision.
- **Part XIII. EFFECTIVE DATE** — Section 13 states the legislation is effective Aug. 30, 2021, when it became law.

Curriculum

S387: Excellent Public Schools Act Of 2021 (=S.L. 2021-8)

- **Part II: Definition of Science of Reading** — Sec. 2 would define the "Science of Reading" as "evidenced-based reading instruction practices that address the acquisition of language, phonological and phonemic awareness, phonics and spelling, fluency, vocabulary, oral language, and comprehension that can be differentiated to meet the needs of individual students."
- **Part III: Early Literacy Program and Literacy Professional Development**
 - Sec. 3(a) would establish the Early Literacy Program within the Department of Public Instruction (DPI). DPI, in consultation with the Department of Health and Human Services would use the Early Literacy Program to build strong foundational early literacy skills for children in the North Carolina Prekindergarten (NC Pre-K) program. The Early Literacy Program would be required to focus on at least the following components:

- Providing a training program to NC Pre-K educators and administrators to ensure developmentally appropriate instruction. DPI would contract with a third-party independent teacher training program to deliver early literacy professional development.
 - Providing integration of age-appropriate resources so that children in the NC Pre-K program meet reading achievement goals.
 - Ensuring administration of a formative assessment at the end of a child's participation in NC Pre-K to determine kindergarten readiness. The results of the assessment must be shared with the child's kindergarten teacher at the beginning of the next school year.
 - G.S. 115C-270.30(b)(2) requires that elementary school teachers earn at least three continuing education credits related to literacy. Sec. 3(b) would require that these continuing education credits be grounded in the Science of Reading.
 - Sec. 3(c) would require that educators working with children in the NC Pre-K program and educators working with K-5 students participate in the Language Essentials for Teachers of Reading and Spelling training program contracted for as required by S.L. 2021-1. Completion of this training program would satisfy the literacy continuing education credits for elementary school teachers.
 - Sec. 3(d) would require DPI to report on the establishment of the Early Literacy Program to the Joint Legislative Education Oversight Committee (JLEOC) by September 15, 2022. All of Sec. 3 would apply beginning with the 2021-2022 school year.
- **Part IV: Literacy Training Coursework for Educator Preparation Program Approval** — Sec. 4 would require Educator Preparation Programs (EPPs) for elementary education and special educator teacher training to include coursework grounded in the Science of Reading. This requirement would apply to EPPs applying for or renewing approval on or after July 1, 2022.
- **Part V: Align Literacy Curriculum and Instruction with Read to Achieve**
 - Sec. 5(a) would require that the SBE develop literacy instruction standards to ensure that instruction methods are consistent and closely aligned with RtA. Only the most effective literacy instruction methods aligned with the Science of Reading would be incorporated into the standards. By May 15, 2022, the SBE would report to the JLEOC on the standards developed. By June 30, 2022, the SBE would provide the standards to local boards of education. DPI would be required to develop a literacy implementation plan that implements the standards developed by the SBE. By June 30, 2022, DPI would provide this model and an example plan that does not implement the standards to local boards of education. Each local school administrative unit (LEA) would be required to evaluate its literacy curriculum and instruction methods and modify as necessary to adhere to the standards and align with the model literacy implementation plan. By December 15, 2022, each LEA would submit to the SBE its literacy curriculum and instruction.
 - Sec. 5(b) would require Regional Case Managers, or other appropriate staff, to work to ensure that the standards developed by the SBE are implemented by conducting a statewide review of the curriculum and instruction methods of LEAs and providing consultation to LEAs as needed for compliance. By November 15, 2023, all review and modification of all literacy instruction statewide must be complete. Any modification would have to be made as soon as possible, and all modified curriculum and instruction would have to be in place by the 2024-2025 school year.
- **Part VI: Literacy Interventions and Individual Reading Plans**
 - Sec. 6(a) would make a conforming change. Sec. 6(b) would create the following definitions:
 - Individual Reading Plan: a document outlining the specific reading skill deficiencies of a student who has demonstrated difficulty with reading development that includes the literacy interventions the student will receive.
 - Literacy Interventions: intentional strategies used to facilitate reading development and remediate emerging difficulty with reading development grounded in the Science of Reading, including (i) individual or small group instruction throughout the school year, (ii) reduced teacher-student ratios, (iii) frequent progress monitoring, (iv) tutoring in addition to the regular school day, (v) reading camps, and (vi) extended learning time before or after the school day.
 - G.S. 115C-83.3(4a) requires that reading camps must be offered to any 3rd grade student not demonstrating reading proficiency and any 1st or 2nd grade student reading below grade level.

- Sec. 6(b) would modify the definition of "reading camp" to clarify that reading camps are literacy interventions that must be offered to 3rd grade students not demonstrating reading proficiency and 2nd grade students demonstrating difficulty with reading development. A reading camp may be offered to a 1st grade student demonstrating difficulty with reading development.
- Sec. 6(c) would make conforming changes.
- Sec. 6(d) would require, no later than October 1 each year, beginning with October 2022, each LEA submit to DPI a plan for the literacy interventions it will offer during the next school year, including specific information about its reading camps. By February 15, DPI would review each LEA's plan and approve only those that (i) provide instruction closely aligned with RtA and (ii) comply with literacy intervention standards published by the SBE. By February 15, DPI would report to the JLEOC on which LEAs plans were approved or denied. Each LEA with a denied plan would be permitted to submit an amended plan by March 15. DPI would notify the LEA by April 15 if the amended plan has been approved or denied. State provided literacy intervention funds would not be released to any LEA that did not have an approved literacy intervention plan by April 15.
- Sec. 6(e) would require, beginning with the 2022-2023 school year, that any K-3 student demonstrating difficulty with reading development have an Individual Reading Plan (IRP). The IRP would identify: (i) specific reading deficiencies, (ii) goals and benchmarks for growth, (iii) means to monitor progress, (iv) specific literacy interventions for the student, (v) the Science of Reading-based instructional programming that will be implemented, and (vi) any additional services that will be provided. The student's parent would be given notice regarding the IRP, including specific strategies to assist the student, encouragement to use strategies at home, and direction to literacy resources. A multi-tiered system of support intervention (MTSS) could be used to satisfy the IRP requirements. DPI would be required to develop model documentation for compliance, including an IRP checklist and an alternative document for use with a MTSS.
- Secs. 6(f), (g), and (h) would make conforming changes.
- Sec. 6(i) would require that LEAs report on the number of K-3 students with IRPs, beginning with reports developed based on the 2022-2023 school year. Local board of education would be required to report by November 15 of each year, beginning with November 2022, on the number and percentage of retained 3rd grade students placed in an accelerated reading class or transitional third and fourth class combination in the prior school year who were (i) promoted mid-year, or (ii) promoted directly to 5th grade for the school year following retention.
- Sec. 6(j) would make conforming changes.
- Sec. 6(k) would require the SBE and DPI to conduct an analysis of literacy interventions, including reading camps, provided throughout the State to determine which literacy intervention activities and instructional methods are most effective in furthering reading development. Based on this, SBE and DPI would develop literacy intervention standards. By December 15, 2021, the State Board would (i) report to the JLEOC on the standards and any recommended legislation to further improve the effectiveness of literacy interventions and (ii) publish the standards.
- Sec. 6(l) would require each LEA to submit to DPI a plan for the literacy interventions it will offer during the 2022-2023 school year, including specific information about the reading camps it will offer, by March 1, 2022. DPI would review each LEA's plan and provide feedback as necessary by May 15, 2022, to ensure that literacy interventions provided throughout the State are closely aligned with RtA and comply with the literacy intervention standards published by the SBE. DPI may provide a form for LEAs to use to submit the literacy intervention plans.

➤ **Part VII: Reading Camps, Bonuses, and the Excellent Public Schools Act Fund**

- Sec. 7(a) and Sec. 7(b) would recodify certain reading camp requirements in a new statute.
- Sec. 7(b) would also create two new bonus programs, beginning with the 2021-2022 school year, as follows:
 - *Signing bonus:* LEAs would provide a signing bonus in an amount determined by the local board of education that is at least \$1,200 to any teacher who meets the following criteria:
 - Is associated with high growth in reading based on EVAAS data.
 - Was awarded a reading performance bonus during the current school year.

- *Reading camp performance bonus*: In a per-student amount determined by the local board of education that is at least \$150.00 per student, LEAs would be required to provide a reading camp performance bonus to a teacher who provides instruction at a third grade reading camp for each student assigned to that teacher who entered reading camp not demonstrating reading proficiency who becomes proficient after completing the reading camp.
 - Beginning with the 2021-2022 school year, a teacher providing instruction at a full reading camp who has earned a reading performance bonus would be deemed to have completed two of the required literacy continuing education credits required for licensure renewal.
 - Sec. 7(c) would require that reading camps be offered as outlined in the LEA's literacy intervention plan, beginning with the 2022-2023 school year.
 - Sec. 7(d) would require LEAs to use Excellent Public Schools Act funds, other than funds provided for reading camps, and federal funds received by the LEA for the purpose of responding to the impacts of COVID-19, to provide the signing bonus.
 - Sec. 7(e) would require LEAs to use Excellent Public Schools Act funds, other than the funds provided for reading camps, and federal funds received by the LEA for the purpose of responding to the impacts of COVID19, to provide the reading camp performance bonus.
 - Sec. 7(f) would require that LEAs use available funds, including federal funds received by the LEA for the purpose of responding to the impacts of COVID-19, to carry out the elements of RtA.
 - Sec. 7(g) would encourage DPI to maximize the use of Excellent Public School Act funds but would not allow funds provided for reading camps to be used for interventions other than reading camps.
 - Sec. 7(h) would allow LEAs to use Excellent Public Schools Act funds, other than funds provided for reading camps, to provide literacy interventions described in the LEA's literacy intervention plan, beginning with the 2022-2023 school year.
 - Sec. 7(i), for reading camps corresponding to the 2020-2021 school year, would award two continuing education credits for any teacher who both (i) earns a reading bonus and (ii) teaches a full reading camp. Part VIII: Digital Children's Reading Initiative Sec. 8 would require DPI to develop a Digital Children's Reading Initiative (Initiative) that provides selected links via DPI's website to high-quality resources for families categorized by skill deficiency and grade level. The Initiative would be aligned with the Science of Reading and reflect the standards taught in each grade level. The Initiative would be disseminated to LEAs by January 15, 2022. Each LEA would make the resources available prominently on its website by July 1, 2022. Each LEA can add additional high-quality resources. Printable activities would also be provided in hard copy to students without digital access at home.
- **Part IX: Phase Out Certain Alternative Assessments**
 - G.S. 115C-83.3(2) requires the SBE to approve alternative assessments that are not the same test as the State approved standardized test of reading comprehension administered to 3rd grade students. The SBE is required to provide several alternative assessments to LEAs upon request, approve alternative assessments submitted by LEAs, and establish achievement level ranges for each approved alternative assessment. The SBE is required to annually review all alternative assessments to ensure ongoing relevance, validity, and reliability.
 - Sec. 9(a) would require the SBE to approve one alternative assessment for use beginning with the 2022-2023 school year.
 - Sec. 9(b) would require the SBE to analyze the passage rates for all alternative assessments in order to determine the comparative utility of each assessment. By October 15, 2022, the SBE would submit a report to the JLEOC on the results of its analysis, along with the one alternative assessment it recommends using.
- **Part X: Enhance Data Collection**
 - Sec. 10(a) would require DPI to create a uniform template for RtA data, beginning with data collected in 2013- 2014. The template would require clear designations of each data component and identification of information suppressed to protect student privacy. Data compiled in the template for each school year would be reported to the JLEOC by April 15, 2022.

- Sec. 10(b) would require that the uniform template be used each time data is provided, beginning with the 2021-2022 school year, and including the reporting of required data from the 2020-2021 school year.
- **EFFECTIVE DATE:** Except as otherwise provided, SB 387 would become effective when it becomes law.

Driver's Education

S69: DMV Licensing Requirements (=S.L. 2021-24)

- Amends graduated drivers licensing requirements and restrictions by reducing the amount of time a person is required to hold a Level 1 limited learner's permit before being eligible to apply for a Level 2 limited provisional license from 12 months to 6 months. However, an applicant would still have to be at least 16 years old before applying for a Level 2 and would have to meet all other current requirements, including logging 60 hours of driving experience.
- **EFFECTIVE DATE:** Effective when it becomes law, but the modification would be temporary, applying to any person applying for a Level 2 limited provisional license on or after the effective date of the act and expiring on December 31, 2021.

Facilities

H84: Sex Offender Premises Restrictions (=S.L. 2021-115)

- Amends current sex offender premises restrictions to forbid a registrant from knowingly residing at one of the following:
 - "Any location which is within 1,000 feet of any property line of a property on which any public or nonpublic school or child care center is located"; and
 - "Within any structure, any portion of which is within 1,000 feet of any property line of a property on which any public or nonpublic school or child care center is located."
- **EFFECTIVE DATE:** Effective December 1, 2021, and applies to offenses committed on or after that date by all persons registered or required to register on or after that date. Does not apply to a person who has established a residence prior to the effective date of that section.

H272: Revise Health Standard For Lead (=S.L. 2021-99)

- Amends the definition of "lead poisoning hazard" under the statutes governing lead poisoning in children and pregnant women to decrease the amount of lead in drinking water that constitutes a "lead poisoning hazard" from 15 parts per billion (ppb) to 10 ppb.
- **EFFECTIVE DATE:** December 1, 2021.

Governance

H91: Accountability and Fair Play in Athletics (=S.L. 2021-184)

- Provides the State Board of Education (SBE) with authority to enter into a memorandum of understanding (MOU) with a nonprofit to administer and enforce SBE requirements for high school athletics. If the SBE is unable to enter into an MOU, then the SBE may require the Department of Public Instruction to administer high school athletics.
- Requires public school units (PSUs) to conduct high school athletics in accordance with SBE rules as administered and enforced by the organization designated by the SBE. PSUs must also purchase catastrophic insurance for high school athletics through the Commissioner of Insurance.
- Requires the SBE to adopt rules for public school unit high school interscholastic athletic activities the must include the following:
 - Student participation rules, including requirements for eligibility related to academics, enrollment and attendance, and medical requirements.
 - Student health and safety rules, including rules for concussions and emergency action plans.
 - Penalty rules that provide a system of demerits for infractions of rules. This may be delegated to the administering organization.

- Appeals rules that include an independent appeals boards and a process for notice of infractions and an opportunity to be heard before the appeals board.
- Administrative rules to govern school classifications, game administration, and requirements for coaching, officiating, sportsmanship and schedules. This may be delegated to the administering organization.
- Gameplay rules that are in accordance with national rules for the sports. This may be delegated to the administering organization.
- Fee rules that establish the amounts that participating schools can be charged for participation in interscholastic athletic activities. This may be delegated to the administering organization.
- Administering organization rules that govern a nonprofit that enters into a memorandum of understanding with the SBE to implement rules for high school athletics. The rules must include requirements for annual audits, written agreements with each participating school, and allow the SBE the power to invalidate rules adopted by the administering organization.
- Reporting rules to establish a process for reporting issues or concerns related to administration of high school athletics.
- Provides the SBE with the authority, for 180 days after the bill becomes law, to submit temporary rules for high school athletics.
- Requires an initial MOU to be in effect for 4 years, which can be renewed for a 4 year period. If no MOU is entered into by March 15, 2022, the SBE can designate DPI to administer high school athletics for the 2022-2023 school year.
- **EFFECTIVE DATE:** Unless otherwise indicated, effective when it becomes law (11/23/21). Rules and requirements for high school athletics would apply to PSUs beginning with the 2022-2023 school year.

H132: Juvenile Code Revisions/Court Improvement Program Recommendations. -AB (=S.L. 2021-100)

- Amends the abuse, neglect, and dependency statutes of Chapter 7B of the General Statutes as recommended by the Court Improvement Program.
- **EFFECTIVE DATE:** October 1, 2021.

H335: Timely Local Payments To Charter Schools (=S.L. 2021-79)

- **Standardized Requests and Transfers** – House Bill 335 would direct the Superintendent, in consultation with charter schools and local school administrative units, to create:
 - A standardized enrollment and verification and transfer request document (transfer document) that charter schools must use to request the per pupil share of the local current expense fund from LEAs. Charter schools can only be required to list certain identifying information on the transfer document as that information was provided by the student's parent or guardian.
 - A standardized procedure that LEAs must use when transferring the per pupil share of the local current expense fund to charter schools. The procedure must require that the LEAs use electronic transfer to the extent practicable.
- **Timing of Transfers** – The bill would require that the per pupil share of the local current expense fund be transferred within 30 days of the later of:
 - The receipt of monies into the local current expense fund;
 - The receipt by an LEA of the transfer document. Charter schools must send the transfer document to LEAs on a monthly basis. If an LEA receives additional monies into the local current expense fund following the initial transfer to the charter schools, the LEA must transfer the per pupil share of those additional monies within 30 days of receipt of the monies. LEAs cannot delay transfers of undisputed amounts but may delay the transfer of disputed amounts.
- **Penalties** – If an LEA receives written notice directed to the superintendent and school finance officer from a charter school that the per pupil share of the local current expense fund has not been transferred within the statutory required timeframe, the LEA must pay a 3% late fee if it does not electronically transfer or postmark (if by mail) the monies within 15 days of the notice. Interest on the amount owed would accrue at 8% until the transfer is made. LEAs would not be required to owe late fees or interest on any amounts not owed under G.S. 115C-218.105(c), as amended by the bill, or per pupil amounts owed for any student whose information is shown to be materially incorrect on the transfer document. LEAs would be given an additional

30 days to make the transfer to a charter school for any month in which the charter school failed to send the transfer document with the required student enrollment information.

- **EFFECTIVE DATE:** The bill becomes effective when it becomes law and applies beginning with the 2021-2022 school year.

H366: Regulatory Reform Act of 2021 (=S.L. 2021-117)

- Section 1.(a) Increases the limits on public employees benefitting from public contracts. Under prior law, a public officer or employee involved in making or administering a contract on behalf of a public agency was prohibited from deriving a direct benefit from the contract except in certain circumstances.
 - H366 raises the dollar threshold for contracts exempted from the conflict-of-interest prohibition from \$40,000 to \$60,000 for goods and services that are not medically related. The bill also increases the municipality population limits for exemptions from 15,000 to 20,000. This section becomes effective when it becomes law and applies to contracts executed on or after that date.
- Section 2.(a) Requires the Division of Childhood Development and Early Education of the Department of Health and Human Services (DHHS) to post information on its website pertaining to public school (LEA & charter) kindergarten options and scholarships for enrollment in nonpublic schools. Requires the information to be searchable by county and updated on June 1 each year. Requires NC Pre-K operators to provide families with this website or, upon request, a list of public school kindergarten options and scholarships for enrollment in nonpublic schools in the county. This section becomes effective January 1, 2022.

H769: Foster Parents' Bill Of Rights (=S.L. 2021-144)

- Creates a Foster Parent's "Bill of Rights" by recognizing the following rights of foster parents:
 - To serve as a respected member of the child welfare team.
 - To receive specified information about the responsibilities of foster parents and access to support services.
 - To be notified of any expenses eligible for reimbursement and to have timely allocation of resources.
 - To receive notice of hearings and to be heard in court for review and permanency planning hearings.
 - To receive timely information pertinent to the day-to-day care of the child.
 - To provide input in court and during periodic reviews of any information that may be relevant to the child's best interests.
 - To provide input to and seek support from the supervising agency without fear of reprisal.
 - To have reasonable opportunities for consultation and consideration in the scheduling of meetings related to the child the foster parent is allowed or required to attend.
 - To request a change in licensed workers and to be considered as prospective adoptive parents.
 - To utilize the reasonable and prudent parent standard in determining whether a foster parent can allow a child to participate in extracurricular activities.
 - To request a shared parenting agreement and that contact information be kept confidential when safety concerns are present.
- A violation of the Bill of Rights would not create a cause of action against any State agency or an entity providing foster care. Nothing in the Bill of Rights would override existing law or rule.
- **EFFECTIVE DATE:** This act is effective when it becomes law (9/10/21).

H812: Clarify Remote Meetings During Emergencies (=S.L. 2021-35)

- Makes clarifications to the authorization for remote open meetings during declarations of emergencies, including:
 - Allowing a public body to update a meeting notice to provide for a remote meeting; and
 - Specifying compliance with the procedure for remote meetings establishes a presumption the meeting is open to the public.
- **EFFECTIVE DATE:** This act is effective July 1, 2021, and applies to remote meetings held on or after that date.

S103: Reduce Regulations To Help Children With Autism (=S.L. 2021-22)

- Establishes a new licensure process & regulatory Board for behavioral health analysts.

- **EFFECTIVE DATE:** Except where otherwise provided, this act is effective when it becomes law (5/17/21) and applies to licenses granted or renewed on or after that date.

S126: Clean Up Obsolete Boards (=S.L. 2021-90)

- Sec. 5(a)-(b) abolishes the Commission on School Technology that was created in 1993 to advise the State Board of Education (SBE) on the development of a State School Technology Plan.
- **EFFECTIVE DATE:** This act is effective when it becomes law (7/22/2021).

S207: Various Raise The Age Changes/Juvenile Jurisdiction Advisory Committee (=S.L. 2021-123)

- Sections 1(a) through 1(e) makes clarifying and conforming changes to the maximum commitment terms in youth development centers for offenses juveniles committed while they were 16 years or 17 years of age.
- Section 1(f) clarifies the court retains jurisdiction to modify any order or disposition made in the case once a juvenile is found delinquent until the juvenile reaches the maximum term of commitment based on the age of the juvenile at the time of the offense or jurisdiction is terminated by order of the court.
- Section 2 allows a juvenile who has received an active sentence to be detained in a holdover or detention facility approved by the Juvenile Justice Section until the juvenile can be transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.
- Section 3 allows the superior court to issue a secure custody order when a juvenile matter that has been transferred to superior court is remanded to district court. This section also requires a hearing to determine the need for continued secure custody must be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court. This hearing may not be continued or waived. The district court has authority to modify any secure custody order following the issuance of that order by the superior court.
- Section 4 permits a prosecutor to decline to prosecute in superior court a matter that would otherwise be subject to mandatory transfer if the juvenile allegedly committed an offense that would be a Class D, E, F, or G felony if committed by an adult.
- Section 5.(a) modifies the definition of neglected juvenile to include a juvenile whose parent, guardian, or custodian has refused to follow the recommendations of the Juvenile and Family Team made pursuant to Article 27A of Chapter 7B enacted in Section 5.(e).
- Section 5.(b) makes the following modifications to definitions applicable to the statutes governing delinquent and undisciplined juveniles:
 - Defines "juvenile consultation" as the provision of services to a vulnerable juvenile.
 - Defines a "vulnerable juvenile" as a juvenile less than 10 but at least 6 who commits a crime or infraction, but does not meet the definition of "delinquent juvenile"
 - Raises the minimum age for an undisciplined juvenile to age 10.
 - Modifies the definition of "delinquent juvenile" to include the following:
 - A juvenile less than 16 but at least 10 who commits any crime or infraction, including motor vehicle offenses.
 - A juvenile less than 18 but at least 16 who commits any crime or infraction, excluding motor vehicle offenses.
 - A juvenile less than 10 but at least 8 who commits a Class A, B1, B2, C, D, E, F, or G felony.
 - A juvenile less than 10 but at least 8 who commits any crime or infraction, including motor vehicle offenses, and has been previously adjudicated delinquent.
- Section 5.(c) makes conforming changes to the evaluation decisions of juvenile court counselors and how complaints against delinquent and vulnerable juveniles are handled. This section also adds a new G.S. 7B-1706.1 directing juvenile consultation services for vulnerable juveniles to be provided for up to 6 months, with a possible extension of 3 months.
- Section 5.(d) makes a conforming change to the statute governing fingerprints of juveniles.
- Section 5.(e) creates a new Article 34A under Chapter 7B of the General Statutes to do the following regarding the parent, guardian, or custodian of vulnerable juvenile who is receiving juvenile consultation services:
 - Require attendance at all scheduled meetings with the juvenile court counselor.
 - Require attendance at parental responsibility classes.

- Work with juvenile court counselor to coordinate medical services for the vulnerable juvenile receiving juvenile consultation services or for the parent, guardian, or custodian.
- It directs the juvenile court counselor to provide transportation to the extent possible. It also instructs the juvenile court counselor to work collaboratively with the various stakeholders involved with the child and family in the provision of child consultation services. It provides that if a parent, guardian, or custodian of a child refuses to follow recommendations of the Child and Family Team and this refusal puts the child at risk for abuse, neglect, or dependency, the juvenile court counselor must report to DSS who must file an abuse, neglect, and dependency petition.
- Section 5.(f) makes clarifying and conforming changes to G.S. 7B-3100 regarding when agencies must share information about juveniles and children with one another.
- Sections 6.(a) through 6.(e) make conforming changes to the duties and powers of the Juvenile Justice Section of the Division of Adult Correction (JJSDAC) and Juvenile Justice of the Department of Public Safety (JJDPs) and directs the Department of Public Safety to evaluate intensive intervention services intended to prevent further involvement in the juvenile justice system.
- Section 7 would require JJSDAC to report annually on all complaints filed against juveniles less than 10 but at least 6 including the number of complaints, types of offenses, and number of juveniles with multiple complaints or who receive juvenile consultation services for more than one complaint.
- Section 8.(a) defines "severe emotional disturbance" in G.S. 7B-1501 as "[a] diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM 5 that resulted in functional impairment which substantially interferes with or limits the child's role or functioning in family, school, or community activities in a person who is under the age of 18."
- Section 8.(b) removes the existing provisions of G.S. 7B-2502(c) related to juveniles suspected of having a mental illness or developmental disability, and instead codifies new requirements for addressing such juveniles. For juveniles with a suspected mental illness, developmental disability, or intellectual disability, the court must order that that the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety make a referral for a comprehensive clinical assessment or other equivalent mental health assessment, unless a comprehensive clinical assessment or other equivalent mental health assessment was conducted within the last 45 days before the adjudication hearing. The assessment is required to evaluate the developmental, emotional, behavioral, and mental health needs of the juvenile... A juvenile must not be committed directly to a State hospital or State developmental center, and orders purporting to do this are void except for examinations to determine capacity to proceed.
- **EFFECTIVE DATE:** Except as otherwise provided, this act becomes effective December 1, 2021, and applies to offenses committed on or after that date.

S693: Expedite Child Safety & Permanency (=S.L. 2021-132)

- Amends various abuse, neglect, and dependency laws to ensure the safety of children in out-of-home placements;
- Expedites permanency planning hearings for children who have been removed from the home;
- Provides appropriate placement for children in need of mental health services, and other changes.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (9/1/21).

Local Education Bills

H3: Craven Board of Education/Partisan Electoral Districts (=S.L. 2021-140)

- Changes the method of election for members of the Craven County Board of Education to partisan electoral districts.
- **EFFECTIVE DATE:** Effective when it becomes law (9/9/21) and applies to elections held on or after that date.

H85: Cleveland City Board Of Education Vacancies (=S.L. 2021-28)

- Provides the following process for filling vacancies on the Cleveland County Board of Education (Board):
 - The county executive committee of the political party of which the vacating member was affiliated at the time of election or appointment must submit its recommendation to the Board within 30 days the vacancy; and

- The Board must appoint that person within seven days of the recommendation.
- **EFFECTIVE DATE:** Effective when it becomes law (6/9/21) and would apply to vacancies existing on or after that date.

H244: Lincoln County Board of Education/Partisan Election (=S.L. 2021-99)

- Changes the election method for the Lincoln County Board of Education from nonpartisan to partisan.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (8/5/21).

S288: Rutherford College/Board of Education Burke/Caldwell (=S.L. 2021-51)

- Provides that elections for the Burke County Board of Education shall be held in even-numbered years.
- Changes the election method of the Burke County Board of Education and Caldwell County Board of Education from nonpartisan to partisan.
- **EFFECTIVE DATE:** Effective when it becomes law (6/23/21) and applies to elections held on or after that date.

S722: Revise Local Gov't Redistricting/Census (=S.L. 2021-56)

- Section 1.6.(a)-(b) Delays the regular 2021 elections for the Charlotte-Mecklenburg Board of Education until the general election for county offices in 2022.
 - Requires candidates to file their notices for the election between 12:00 pm on July 25, 2022, and 12:00 pm on August 12, 2022. States that terms of office for members elected in 2022 will begin on December 6, 2022, and expire on December 2, 2025. Effective only if 2020 census data has not been received by the Board by July 19, 2021. Requires the Board to adopt a resolution regarding the election delay prior to July 26, 2021.
- Section 1.7.(a)-(b) Delays the regular 2021 elections for the Lexington City Board of Education until the primary election for county offices in 2022.
 - Requires candidates to file their notices for the election between 12:00 pm on December 6, 2021, and 12:00 pm on December 17, 2021. Allows winners of this election to be sworn into office after issuance of the certificate of election and their terms will expire on December 2, 2025. Requires the Lexington City Board of Education to publish notice of the date of the election both on its website and at least once in a newspaper of general circulation within seven days of the effective date of this act.
- **EFFECTIVE DATE:** This act is effective when it becomes law (6/28/2021).

Military

H53: Educ. Changes For Military Connected Students (=S.L. 2021-9)

- Authorizes student attendance in LEA for children of active duty military due to military orders of parent;
- Clarifies continuous enrollment for HS students who are dependents of military personal once those students are admitted to state institution of higher ed.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (4/9/21).

Omnibus Education Changes

H78: Various Education Changes (=S.L. 2021-111)

- Authorizes additional nationally standardized tests to satisfy 9th grade private school testing requirements;
- Also makes changes for in-state tuition for veterans to comply with federal law.
- **EFFECTIVE DATE:** This act is effective when it becomes law (6/21/21) and applies beginning with the 2021-2022 school year.

S695: Various Education Changes (=S.L. 2021-170)

- PART I. Principal Licensure Exemptions. — S695 would allow school administrator licenses issued by the State Board of Education (SBE) between 2010-2021 be deemed valid, regardless of failure to meet certain statutory

licensure requirements. For new school admin. licenses, the SBE would be required to waive licensure requirements for certain individuals.

- PART II. Flexibility For School Employees To Receive Annual Salary In 12 Monthly Installments Through A Payroll Deduction Plan.
- PART III. Extend Student Meal Debt Report. — Extends due date for the SBE to report to the Joint Legislative Education Oversight Committee (JLEOC) on unpaid meal charges in LEAs from October 15, 2021 to October 15, 2023.
- PART IV. Cash Management Flexibility For Certain Public School Units. — Allows local public school units (PSUs) to temporarily deposit State funds in their local accounts, provided State funds are disbursed by 3rd business day after being withdrawn from State Treasury.
- **EFFECTIVE DATE:** This act is effective when it becomes law (10/15/2021).

Personnel

S582: High School Adjunct Instructors/CC Prep (=S.L. 2021-48)

- Allows certain individuals (faculty at institutions of higher ed and/or individual with a bachelor's/graduate degree and at least one semester of teacher prep courses) to be adjunct instructors in K-12 courses.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (8/23/21).

Healthcare

S146: Teledentistry/RDH Admin. Local Anesthetic (=S.L. 2021-95)

- Sec. 3 allows experienced dental hygienists to practice in schools without a licensed dentist being physically present, under certain circumstances.
- **EFFECTIVE DATE:** Sec. 3 of this act is effective when it becomes law (7/23/2021).

S159: State Health Plan Administrative Changes. -AB (=S.L. 2021-125)

- Requires the Board of Trustees to approve all State Health Plan (SHP) contracts with a value exceeding \$3M (currently \$500K); continues coverage for disabled dependent children past their 26th birthday; and other administrative changes.
- **EFFECTIVE DATE:** This act is effective when it becomes law (8/30/21)

S594: Medicaid Administrative Changes & Technical Corrections (=S.L. 2021-62)

- Modifies certain Medicaid-related provisions of the 2020 COVID-19 Recovery Act; Clarifies behavioral health services covered by standard benefit plans; and other changes.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (6/29/21).

Retirement

H160: Retirement Service Purchase Rewrite Part II. -AB (=S.L. 2021-57)

- Makes clarifying changes related to service purchases under TSERS, including credit for employment in certain types of charter schools.
- **EFFECTIVE DATE:** Except as otherwise provided, this act becomes effective January 1, 2022, and applies to purchases of creditable service occurring on or after that date.

H163: Treasury Administrative Changes. -AB (=S.L. 2021-58)

- Amends statutes pertaining to the State Treasurer's investment programs and other administrative changes.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (6/28/21).

H168: Retirement Administrative Changes Act Of 2021. -AB (=S.L. 2021-75)

- Amends retirement systems regulations regarding contribution-based benefit cap liabilities, withdrawal liabilities, and other items.

- **EFFECTIVE DATE:** This act becomes effective July 1, 2021.

S159: State Health Plan Administrative Changes. -AB (=S.L. 2021-125)

- Requires the Board of Trustees to approve all State Health Plan (SHP) contracts with a value exceeding \$3M (currently \$500K); continues coverage for disabled dependent children past their 26th birthday; and other administrative changes.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (8/30/21).

S277: Retirement & Treasury Technical Corrections Act of 2021. -AB (=S.L. 2021-60)

- Makes technical and clarifying changes to update citations in laws governing TSERS and other statutes.
- **EFFECTIVE DATE:** This act becomes effective July 1, 2021.

S668: Anti-Pension Spiking Amendments & Litigation Moratorium (=S.L. 2021-72)

- Authorizes additional payment option for a contribution-based benefit cap (CBBC) liability;
- Outlines responsibilities for CBBC liabilities when the final employer of a member is not the member's employer for average final compensation calculations;
- Provides an adjustment to the formula for reduced retirements with CBBC liabilities;
- Provides for a litigation pause and establish a workgroup that may provide a report on the anti-pension spiking contribution-based benefit cap to the Joint Legislative Oversight Committee on General Government.
- **EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law (7/2/21).