

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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SENATE BILL 765

Short Title: Education Omnibus. (Public)

Sponsors: Senator D. Davis (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 18, 2020

A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS TO MAKE CHANGES TO CERTAIN EDUCATION
LAWS RELATED TO ELEMENTARY AND SECONDARY PUBLIC SCHOOLS.
The General Assembly of North Carolina enacts:

**PART I. REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY AND
REPORT ON RAISING SALARIES FOR NONCERTIFIED PUBLIC SCHOOL
EMPLOYEES TO AT LEAST FIFTEEN DOLLARS PER HOUR.**

SECTION 1.(a) The Department of Public Instruction shall study and make recommendations on the viability and advisability of raising salaries for noncertified public school employees to at least fifteen dollars (\$15.00) per hour. As a part of its study, the Department shall consider the following:

- (1) Methods of raising salaries for noncertified public school employees in a fiscally responsible manner, including a phased-in approach.
- (2) The interconnection in salaries between State, federal, and local funds.
- (3) The fiscal impact on local governments.

SECTION 1.(b) The Department of Public Instruction shall report the results of its study to the Joint Legislative Education Oversight Committee no later than January 15, 2020.

PART II. CLASS SIZE PHASE IN

SECTION 2.(a) Delay K-3 Class Size Reduction for One Year. – Part II of S.L. 2018-2 reads as rewritten:

"PART II. CLASS SIZE PHASE IN

...

SECTION 2.(b) Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the 2019-2020 and 2020-2021 school ~~year, years,~~ the average class size for kindergarten through third grade in a local school administrative unit shall not exceed one teacher per 19 students. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten through third grade shall not exceed one teacher per 22 students.

SECTION 2.(c) Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the 2020-2021–2021-2022 school year, the average class size for kindergarten through third grade in a local school administrative unit shall not exceed one teacher per 18 students. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten through third grade shall not exceed one teacher per 21 students.



1 **SECTION 2.(d)** The class size requirements set forth in G.S. 115C-301, as amended by this
2 act, shall apply beginning with the ~~2021-2022~~2022-2023 school year."

3 **SECTION 2.(b)** Delay Teacher Position Allotment Change. – Section 3(b) of S.L.
4 2018-2 reads as rewritten:

5 "**SECTION 3.(b)** Effective July 1, ~~2021,~~2022, G.S. 115C-301(a1), as enacted by subsection
6 (a) of this section, reads as rewritten:

7 "

8 **SECTION 2.(c)** Delay Restriction on Transfers for Teacher Position Allotments. –
9 Section 4(b) of S.L. 2018-2 reads as rewritten:

10 "**SECTION 4.(b)** Effective July 1, ~~2021,~~2022, G.S. 115C-105.25(b), as amended by
11 subsection (a) of this section, reads as rewritten:

12 "

13 **SECTION 2.(d)** Adjustment to the Appropriation for Program Enhancement
14 Teachers. – Notwithstanding Section 1.1 of S.L. 2019-242, effective beginning with the
15 2020-2021 fiscal year, G.S. 115C-301(c2)(3) reads as rewritten:

16 "(3) Appropriation. – Beginning with the 2019-2020 fiscal year, there is
17 appropriated from the General Fund to the Department of Public Instruction
18 for the allotment for program enhancement teachers for kindergarten through
19 fifth grade an amount equal to the percentage of the total funds required to
20 allot program enhancement teacher positions for kindergarten through fifth
21 grade on a basis of one teacher per 191 students for each fiscal year as follows:

Fiscal Year	Appropriation
2019-2020	50%
2020-2021	75% <u>50%</u>
<u>2021-2022</u>	<u>75%</u>

26 ~~2021-2022~~2022-2023 and each subsequent fiscal year thereafter 100%.

27 When developing the base budget, as defined by G.S. 143C-1-1, for each
28 fiscal year specified in this subdivision, the Director of the Budget shall
29 include the appropriated amount for that fiscal year."
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31 **PART III. BUDGET FLEXIBILITY**

32 **SECTION 3.(a)** Budget Flexibility for the Remainder of FY 2019-2020. – Effective
33 from the date this act becomes law until June 30, 2020, notwithstanding G.S. 115C-105.25 and
34 any other provision of law, local boards of education may transfer and may approve transfers of
35 any unexpended cash balance in an allotment category to another allotment category subject to
36 the following limitations:

37 (1) Funds for career and technical education and other purposes may be
38 transferred only as permitted by federal law and the conditions of federal
39 grants or as provided through any rules that the State Board adopts to ensure
40 compliance with federal regulations.

41 (2) No funds shall be transferred out of the children with disabilities, students
42 with limited English proficiency, and academically or intellectually gifted
43 students categories.

44 (3) No funds shall be transferred into the central office allotment category.

45 (4) Positions allocated for classroom teachers may be converted to dollar
46 equivalents to contract for visiting international exchange teachers through a
47 visiting international exchange teacher program approved by the State. These
48 positions shall be converted at the statewide average salary for classroom
49 teachers, including benefits. The converted funds shall be used only to provide
50 visiting international exchange teachers with salaries commensurate with their
51 experience levels, to provide any State-approved bonuses, and to cover the

1 costs associated with supporting visiting international exchange teachers
2 within the local school administrative unit, including programming and
3 related activities, background checks, medical coverage, and other program
4 administration services in accordance with the federal regulations for the
5 Exchange Visitor Program, 22 C.F.R. Part 62.

6 (5) Except as provided in subdivision (4) of this subsection, positions allocated
7 for classroom teachers and instructional support personnel may be converted
8 to dollar equivalents for any purpose authorized by the policies of the State
9 Board of Education. These positions shall be converted at the salary on the
10 first step of the "A" Teachers Salary Schedule. Certified position allotments
11 shall not be transferred to dollars to hire the same type of position.

12 (6) Funds allocated for school building administration may be converted for any
13 purpose authorized by the policies of the State Board of Education. For funds
14 related to principal positions, the salary transferred shall be based on the first
15 step of the Base column of the Principal Salary Schedule. For funds related to
16 assistant principal months of employment, the salary transferred shall be based
17 on the first step of the "A" Teachers Salary Schedule at the salary level for
18 assistant principals. Certified position allotments shall not be transferred to
19 dollars to hire the same type of position.

20 (7) Funds to carry out the elements of the Excellent Public Schools Act that are
21 contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.

22 (8) Funds allotted for textbooks and digital resources may be used only to acquire
23 textbooks and digital resources and related technology, including any
24 hardware, software, or equipment or devices necessary for the use of the
25 digital resources. These funds shall not be transferred out of the allotment for
26 any other purpose.

27 Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a
28 local board of education may transfer the unexpanded cash balance in the drivers education
29 allotment category to another allotment category in accordance with this subsection.

30 **SECTION 3.(b)** Budget Flexibility for FY 2020-2021. – Effective July 1, 2020,
31 notwithstanding G.S. 115C-105.25 and any other provision of law, for the 2020-2021 fiscal year
32 only, local boards of education may transfer and may approve transfers of funds in an allotment
33 category to another allotment category subject to the following limitations:

34 (1) Funds for career and technical education and other purposes may be
35 transferred only as permitted by federal law and the conditions of federal
36 grants or as provided through any rules that the State Board adopts to ensure
37 compliance with federal regulations.

38 (2) No funds shall be transferred out of the children with disabilities, students
39 with limited English proficiency, and academically or intellectually gifted
40 students categories.

41 (3) No funds shall be transferred into the central office allotment category.

42 (4) Positions allocated for classroom teachers may be converted to dollar
43 equivalents to contract for visiting international exchange teachers through a
44 visiting international exchange teacher program approved by the State. These
45 positions shall be converted at the statewide average salary for classroom
46 teachers, including benefits. The converted funds shall be used only to provide
47 visiting international exchange teachers with salaries commensurate with their
48 experience levels, to provide any State-approved bonuses, and to cover the
49 costs associated with supporting visiting international exchange teachers
50 within the local school administrative unit, including programming and
51 related activities, background checks, medical coverage, and other program

1 administration services in accordance with the federal regulations for the
2 Exchange Visitor Program, 22 C.F.R. Part 62.

3 (5) Except as provided in subdivision (4) of this subsection, positions allocated
4 for classroom teachers and instructional support personnel may be converted
5 to dollar equivalents for any purpose authorized by the policies of the State
6 Board of Education. These positions shall be converted at the salary on the
7 first step of the "A" Teachers Salary Schedule. Certified position allotments
8 shall not be transferred to dollars to hire the same type of position.

9 (6) Funds allocated for school building administration may be converted for any
10 purpose authorized by the policies of the State Board of Education. For funds
11 related to principal positions, the salary transferred shall be based on the first
12 step of the Base column of the Principal Salary Schedule. For funds related to
13 assistant principal months of employment, the salary transferred shall be based
14 on the first step of the "A" Teachers Salary Schedule at the salary level for
15 assistant principals. Certified position allotments shall not be transferred to
16 dollars to hire the same type of position.

17 (7) Funds to carry out the elements of the Excellent Public Schools Act that are
18 contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.

19 (8) Funds allotted for textbooks and digital resources may be used only to acquire
20 textbooks and digital resources and related technology, including any
21 hardware, software, or equipment or devices necessary for the use of the
22 digital resources. These funds shall not be transferred out of the allotment for
23 any other purpose.

24 Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a
25 local board of education may transfer funds in the drivers education allotment category to another
26 allotment category in accordance with this subsection.

27 28 **PART IV. EXCEPTIONAL CHILDREN**

29 **SECTION 4.** There is appropriated from the Coronavirus Relief Fund an additional
30 two million nine hundred thousand dollars (\$2,900,000) to the Department of Public Instruction
31 to hold in reserve and to award as grants, in the discretion of the Department, to public school
32 units that apply for funds to support extraordinary costs associated with providing Extended
33 School Year Services or future services, as appropriate, for exceptional children who qualify for
34 these services due to the impacts of COVID-19. The funds appropriated by this section shall be
35 subject to the requirements contained in S.L. 2020-4 related to the use of funds from the
36 Coronavirus Relief Fund established in Section 2.2 of that act.

37 38 **PART V. MISCELLANEOUS**

39 **SECTION 5.(a)** State Budget Act applies. – The provisions of the State Budget Act,
40 Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and
41 are incorporated in this act by reference.

42 **SECTION 5.(b)** Additional limitations and directions. – Except where expressly
43 repealed or amended by this act, the provisions of any other legislation enacted during the 2019
44 Regular Session expressly appropriating funds to an agency, a department, or an institution
45 covered under this act, shall remain in effect.

46 **SECTION 5.(c)** Applicability of House Bill 966, 2019 Regular Session. – If House
47 Bill 966, 2019 Regular Session, becomes law, and any provision of that act or a provision of the
48 Committee Report described in Section 42.2 of that act conflicts with this act, this act shall
49 control.

50 51 **PART VI. EFFECTIVE DATE**

1 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
2 law.