



PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT

2021 Legislative Summary

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(Correction made on page 20, Section 7 of SB 654/SL 2021-130: year changed from 2021-2022 to 2020-2021)

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2021 Legislative Summary

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[HB 53: Education Changes for Military-Connected Students \(S.L. 2021-9\)](#)

Section 1.(a) Allows students of active duty military parents who live outside of a local education agency (LEA) to attend the public schools of that LEA without paying tuition, if the student lives with a caregiver who lives in the LEA. The following must apply to the student:

1. Their parent (or legal guardian) is on active military duty
2. The commanding officer of the parent provides a signed letter stating that the parent's military orders prevent them from physically residing with the student
3. The signed letter is submitted with the required affidavits and includes the time period that the military orders will be in effect

Clarifies that “active military duty” does not include active-duty training for less than 30 days. Clarifies that LEAs are not allowed to require the caregiver of a student to prove legal guardianship.

G.S. 115C-366(a3)

Section 1.(b) Clarifies that a student may register to attend school in a LEA if the student resides in the LEA with a parent on active military duty assigned to a military installation in the State.

G.S. 115C-366

Section 1.(c) Effective when it becomes law and applies beginning with the 2021-2022 school year.

[HB 78: Various Education Changes \(S.L. 2021-111\)](#)

Section 1.(a)-(b) Changes ninth grade testing requirements for private church schools, religious charter schools, and qualified nonpublic schools to allow tests that measure either (i) achievement in the areas of English grammar, reading, spelling, and math or (ii) competencies in the verbal and quantitative areas.

G.S. 115C-549; G.S. 115C-557

Section 1.(c) For nonpublic schools required to administer annual testing to Opportunity Scholarship recipients, maintains current testing requirements for grades three through eight that measure achievement in the areas of English grammar, reading, spelling, and math, but changes testing requirements for grades nine through 12 to measure either (i) achievement in the areas of English grammar, reading, spelling, and math or (ii) competencies in the verbal and quantitative areas.

G.S. 115C-562.5(a)(4)

Section 1.(d) Effective when it becomes law and applies beginning with the 2021-2022 school year.

[HB 82: Summer Learning Choice for NC Families \(S.L. 2021-7\)](#)

Section 1.1. Requires each LEA to offer a K-12 “school extension learning recovery and enrichment program” following the end of the 2020-2021 school year. The program aims to address learning loss and negative impacts experienced by students due to COVID-19. Requires LEAs to identify and prioritize at-risk students in program enrollment. Allows other students to participate in the program if space is available. States that LEA programs will be funded with existing funds, including federal funds. Clarifies that year-round schools may offer the program during vacation periods through October 1, 2021.

G.S. 115C, Part 3 of Article 16

Section 1.2. Requires each LEA to submit a plan for its program to the Department of Public Instruction (DPI) no later than 30 days prior to the last instructional day of the 2020-2021 school year. Requires the plan to include:

- 150 hours or 30 days of instruction time
- Meal service and physical activity each day
- Grade level course offerings
 - K-3: reading and math; science for third graders; integration of the LEA’s reading camp; one enrichment activity (sports, music, or arts)
 - 4-8: reading, math, and science; at least one enrichment activity
 - 9-12: end-of-course subjects; credit recovery courses necessary to meet graduation requirements (including courses offered through the NC Virtual Public School); an elective course
- Transportation services in accordance with the StrongSchoolsNC Public Health Toolkit (K-12), as of March 24, 2021
- Time for teachers to provide individual or small group instruction to at-risk students
- In-person social-emotional learning supports for all students
- Voluntary student participation
 - Kindergarten students who participate in the program are exempt from retention for the 2021-2022 school year
 - All other students who were retained for the 2021-2022 school year who participate in the program will receive a reassessment of promotion eligibility
- Outreach to increase program participation

Section 1.3.(a)-(b) Sets the rules for employment of staff for the summer program as follows:

- Personnel are employed on temporary contracts
- Retirees of the Teachers’ and State Employees’ Retirement System (TSERS) may be employed if they have one month separation of service (retired by March 1)

- Programs must provide a minimum \$1,200 signing bonus for teachers who have previously received a reading performance bonus or hold National Board for Professional Teaching Standards Certification
- Programs must provide a minimum \$150 performance bonus to teachers for each third-grade student who becomes proficient in reading by the end of the program

Expires on October 1, 2021.

G.S. 115C, Articles 19, 20, 21, and Part 3 of Article 22

Section 1.4. Clarifies that fiscal year 2020-2021 reading camp funds must only be used to support K-3 reading instruction in the program.

G.S. 115C-105.25(b)(10)

Section 1.5. Expresses the intent of the General Assembly to use federal Elementary and Secondary School Emergency Relief (ESSER) II funds directed to DPI for the program.

Section 1.6. Mandates that State residential schools for the visual and hearing-impaired offer summer learning programs.

Section 1.7. Requires the State Board of Education (SBE) to provide LEAs with a single competency-based assessment per grade and subject for K-8 students to be taken at the beginning and end of the program.

Section 1.8. Requires LEAs to report to DPI by October 15, 2021, on the following:

- K-8 competency-based assessment results
- The number of students that progressed to the next grade level after participating in the program
- The number of students who were retained in the same grade level after participating in the program
- The number of students who received credit recovery in high school

Requires DPI to report this information to the Joint Legislative Education Oversight Committee (JLEOC) by January 15, 2022.

Section 2. Effective when it becomes law.

[HB 84: Sex Offender Premises Restrictions \(S.L. 2021-115\)](#)

Section 1. Extends premise restrictions for sex offenders to include those convicted of first-, second-, or third-degree sexual exploitation of a minor.

G.S. 14-208.18(c)

Section 3. Clarifies that a registered sex offender is prohibited from knowingly residing at any location that is within 1,000 feet of any property line on which a public or nonpublic school or childcare center is located (underlined words are new language added to the statute).

G.S. 14-208.16(a)

Section 4. Section 1 becomes effective December 1, 2021, and applies to offenses committed on or after that date. Section 3 becomes 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. Section 3 does not apply to a person who has established a residence prior to the effective date, in accordance with G.S. 14-208.16(d)(1), (2), or (3).

[HB 160: Retirement Service Purchase Rewrite Part II.-AB \(S.L. 2021-57\)](#)

Section 1.1. Amends the Teachers' and State Employees' Retirement System (TSERS) credit for prior temporary State employment statute by clarifying that the right to purchase creditable service that existed before December 31, 2021, is not diminished.

G.S. 135-4

Sections 1.1, 1.2, and 1.3. Amend TSERS statutes by outlining the process for purchasing service prior to January 1, 2023, and on or after January 1, 2023.

G.S. 135-4; G.S. 135-4(j1), (j2); G.S. 135-4(ff)

Section 1.4.(a)-(b) Repeals the following TSERS statutes regarding creditable service: G.S. 135-4(j), (k), (ll), (w), and (bb). Effective July 1, 2022.

Section 3.1. Amends statutes related to the transfer of accumulated contributions from TSERS.

G.S. 135-56

Section 3.3. Amends TSERS statutes regarding creditable service for other employment.

G.S. 135-56.2

Section 4.1. Except as otherwise provided, effective January 1, 2022, and applies to purchases of creditable service occurring on or after that date.

[HB 168: Retirement Administrative Changes Act of 2021.-AB \(S.L. 2021-75\)](#)

Section 1.3.(b)-(c) Modifies the following Teachers' and State Employees' Retirement System (TSERS) statute: For the payment of a TSERS contribution-based benefit cap (CBBC) liability, the date for payment must be 12 months after the member's effective date of retirement, or the first day of the month coincident with or next following six months after the date of invoice, whichever is later. States that this section applies to CBBC liability payment due from an employer on or after the effective date of this act.

G.S. 135-8(f)(3)

Section 2.1.(b)-(c) Clarifies that the TSERS statute pertaining to the procedure and payment to cease participation in the Retirement System applies to an employing unit that is allowed to cease participation by sale, dissolution, or otherwise changing to a business or legal form not eligible for participation as an employer in the Retirement System under federal law. Applies to participation withdrawal by an employing unit on or after the effective date of this act.

G.S. 135-8(i)

Section 3.1.(b)-(c) Modifies the definition of "actuarial equivalent" in TSERS statute. Applies to benefit calculations performed on or after the effective date of this act.

G.S. 135-1(2)

Section 5.1.(a)-(b) Establishes steps for the Department of State Treasurer and the Supplemental Retirement Board of Trustees to adopt a new or amended rule to impose or change administrative fees under the NC Public School Teachers' and Professional Educators' Investment Plan. Prohibits a rule to impose or change an administrative fee from exceeding 0.05% of assets. States that any administrative fee established or changed applies prospectively to any amounts owed on or after the effective date of the act.

G.S. 135-91

Section 6.1.(a)-(b) Amends the TSERS Optional Retirement Program statutes regarding overpayments to the Disability Income Plan. Applies to overpayments owed on or after the effective date of this act.

G.S. 135-107

Section 7.1.(b) Outlines the process for the payment of the TSERS special retirement allowance when the member has selected Option 2, 3, or 6 and the member and the member's designated beneficiary have died. Modifies the process for the payment to the member's designated beneficiary when the member dies and has not selected Option 2, 3, or 6.

G.S. 135-5(m2)(1)

Section 8.1. Provides a severability clause.

Section 9.1. Effective July 1, 2021.

[HB 196: 2021 COVID-19 Response & Relief \(S.L. 2021-3\)](#)

Section 1.1.(a) Appropriates federal COVID-19 funds as follows:

- \$42,920,546 Governor's Emergency Education Relief Fund (GEER II)
- \$84,824,393 Governor's Emergency Education Relief Fund – Emergency Assistance to Nonpublic Schools (EANS)

Section 1.2. Amends S.L. 2021-1 by adding the following appropriations from the 10% DPI reserve of ESSER II funds (non-recurring):

DPI	Appropriation	Section
Transfer funds to the State Library for the NC Kids Digital Library project to provide children with increased access to digital learning resources in public libraries, including e-books, audiobooks, and videos	\$500,000	(1)
Allocate funds to the Governor Morehead School for the Blind, Eastern NC School for the Deaf, and NC School for the Deaf for COVID-19 related expenses	\$500,000	(2)
Transfer funds to the UNC Board of Governors for the NC New Teacher Support Program to provide mentoring and coaching support to beginning teachers	\$1,000,000	(3)
Contract with a third-party entity to collect, analyze, and report data related to the overall impacts of COVID-19 on public school units (PSUs), students, and families of the State	\$1,000,000	(4)
Transfer funds to the Wildlife Resources Commission for the Outdoor Heritage Advisory Council's NC Schools Go Outside grant program	\$1,200,000	(5)
Allocate funds to ensure that each PSU receives at least \$180 per pupil from the ESSER II fund	\$10,000,000	(6)
Allocate funds for contracted services for school health support personnel (counselors, nurses, psychologists, and social workers) to provide additional physical and mental health support services for students in response to COVID-19	\$10,000,000	(7)
Allocate funds to PSUs participating in a federal school nutrition program administered by the US Department of Agriculture for school nutrition services provided in response to COVID-19	\$10,000,000	(8)
Contract with a third-party entity to conduct a statewide assessment of the cybersecurity capabilities of public schools and threats posed to public schools	\$1,000,000	(9)
Contract with a third-party entity to implement a statewide cybersecurity program to improve the cybersecurity infrastructure of the public schools	\$9,000,000	(10)
Contract with Voyager Sopris Learning, Inc., to provide Language Essentials for Teachers of Reading and Spelling (LETRS) training for teachers for improving the literacy and language development of students	\$12,000,000	(11)

Fund the Extended Learning and Integrated Student Supports Competitive Grant Program for high-quality, independently validated extended learning and integrated student support service programs for at-risk students	\$15,000,000	(12)
Hold in reserve for DPI to allocate to PSUs to support in-person instruction programs to address learning loss and provide enrichment activities in the summer	\$40,000,000	(13)
Hold in reserve for DPI to allocate to PSUs to support COVID-19 related needs, including in-person instruction programs to address learning loss and provide enrichment activities in the summer	\$26,046,144	(14)
Fund DPI administrative costs	\$8,012,955	(15)
Reallocate ESSER II funds remaining after August 15, 2022, to meet the emergency needs of the elementary and secondary schools of the State		(16)

S.L. 2021-1, Section 5A

Section 1.3. After DPI allocates ESSER II funds, requires the State Board of Education (SBE) to reserve a portion of remaining ESSER II funds to be used to meet emergency needs of elementary and secondary schools of the State.

S.L. 2021-1, Section 5

Section 1.8.(a) Requires each PSU to submit quarterly reports to DPI on the ESSER II funds it received, beginning April 1, 2021. Requires DPI to collate these reports and submit a report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division, beginning May 1, 2021, and quarterly thereafter.

Section 2.2. Clarifies that "subscription services" does not include internet service provided as part of the purchase price of a device or internet service purchased for a device without an ongoing monthly subscription.

S.L. 2020-4, Section 3.3 (as amended by S.L. 2020-32, Section 3; S.L. 2020-49, Section 4; S.L. 2020-80, Section 1.1(d); S.L. 2020-88, Section 3B(b); S.L. 2020-91, Section 4.9(a); S.L. 2020-97, Section 1.2; S.L. 2021-1, Section 3.2)

Section 2.5. Extends the provision that allowed increased virtual charter school enrollment for the 2020-2021 school year through the 2021-2022 school year.

S.L. 2020-97, Section 3.2

Section 4.1. Effective when it becomes law.

[HB 335: Timely Local Payments to Charter Schools \(S.L. 2021-79\)](#)

Section 1. Requires the 30-day clock for a LEA to submit payment to a charter school to begin after the LEA is in receipt of:

1. A charter school invoice
2. The monies from the county into the local current expense fund

Requires a LEA to submit payment to a charter school for the undisputed amount within the 30-day period. Requires a LEA to pay a 3% late fee and 8% annual interest if the following occur:

1. A charter school provides written notice to the LEA's superintendent and school finance officer after the 30-day period stating that the payment was not received
2. Electronic payment is not transferred within 15 days of that notice, or if mailed, not postmarked within 15 days of that notice
3. If a LEA disputes payment for any student whose information submitted by a charter school is incorrect, late fees and interest are not applied to the payment for that student

Requires the State Superintendent, in consultation with LEAs and charter schools, to create:

1. A standardized enrollment verification and transfer request document used by charter schools to request the per pupil share of the local current expense fund
2. A standardized procedure that LEAs must use when transferring the per pupil share of the local current expense fund

G.S. 115C-218.105

Section 2. Effective when it becomes law and applies beginning with the 2021-2022 school year.

[HB 366: 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 is prohibited from deriving a direct benefit from the contract except in certain circumstances. A member of a city school board in a municipality of no more than 15,000 population or a member of a county school board in a county that contains a municipality of no more than 15,000 population are exempt from the prohibition, if the amount of the agreement between the government and the official does not exceed the following within a 12-month period:

- \$20,000 for medically related services
- \$40,000 for other goods and services

Under this session law, the population limit is increased from 15,000 to 20,000 and the conflict-of-interest prohibition for goods and services is increased from \$40,000 to \$60,000.

G.S. 14-234

Section 1.(b) 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.

Section 2.(b) Effective January 1, 2022.

[HB 812: Clarify Remote Meetings During Emergencies \(S.L. 2021-35\)](#)

Section 1. Clarifies the authorization of remote open meetings during emergencies. If a public body has already provided notice of an official meeting, and one or more members of the public body want to participate remotely, allows the public body to amend the meeting notice to be a remote meeting and to include how the public can access the remote meeting. Requires the amended meeting notice to be issued at least six hours before the start of the meeting and to be distributed and posted in accordance with G.S. 143-318.12.

G.S. 166A-19.24

Section 2. Effective July 1, 2021, and applies to remote meetings held on or after that date.

Senate Bills

[SB 36: 2020 COVID Relief Bill Modifications \(S.L. 2021-1\)](#)

Sections 3.1. and 3.2. Extend the deadline for spending Coronavirus Relief Fund appropriations from December 31, 2020, to December 31, 2021, for the following programs:

- DPI – National School Lunch Program, School Breakfast Program, and Summer Food Service Program (\$75 million)
- DPI – Instructional Support Allotment (\$10 million)
- DPI – supplemental summer learning program (\$70 million)
- DPI – Extended Learning and Integrated Student Supports Competitive Grant Program (\$5 million)
- DPI – personal protective equipment for public schools (\$27 million)
- UNC (State Education Assistance Authority) – alternative educational option scholarships for disabled students (\$6.5 million)
- YMCAs – remote learning opportunities (\$19.8 million)

S.L. 2020-4, Section 2.2 and Section 3.3 (as amended by S.L. 2020-32, Section 3; S.L. 2020-49, Section 4; S.L. 2020-80, Section 1.1(d); S.L. 2020-88, Section 3B(b); S.L. 2020-91, Section 4.9(a); S.L. 2020-97, Section 1.2)

Section 3.11. Amends the reporting requirements for the Department of Commerce, Office of Science, Technology, and Innovation on the Plasma Games Pilot Program.

S.L. 2020-4, Section 4.2D(d) (as enacted by S.L. 2020-80, Section 1.1.(e))

Section 3.12. Extends the deadline for State agencies to procure COVID-19 supplies, materials, equipment, printing, or services from the open market from December 30, 2020, to December 31, 2021.

S.L. 2020-97, Section 1.7(b)

Section 4.1.(a)-(b) Transfers \$39 million from the General Fund to the State Capital and Infrastructure Fund (SCIF) for the Growing Rural Economies with Access to Technology (GREAT) Fund for grants to businesses to accelerate broadband access in the State. (These funds replace the original \$39 million appropriated in S.L. 2020-4 (as amended by S.L. 2020-97) from federal coronavirus relief funds. Section 3.1 of this act strikes that original appropriation.)

Section 5.(a)-(c) Appropriates \$1.6 billion to DPI from the ESSER II fund. Requires DPI to receive approval from the Director of the Budget to spend the federal funds. Requires positions created with the funds to terminate at the earlier of the funds being fully expended or the federal deadline for spending the funds. Requires recipient public school units (PSUs) to report quarterly to DPI, beginning March 1, 2021, (and requires DPI to report quarterly to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division, beginning April 1, 2021) on the following:

- Amount of federal funds received
- Amount of grant funds expended
- How the funds were used, including program information such as number of people served and geographic distribution
- The amount spent on administration
- The amount of funds that remained unspent
- The number of full-time equivalent (FTE) positions established with funds received and, for each FTE established, a position number, position status, date the position was established, hire date, and date on which the position is to be abolished

Section 6. Effective when it becomes law.

[SB 126: Clean Up Obsolete Boards \(S.L. 2021-90\)](#)

Section 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.

G.S. 115C-102.5; G.S. 115C-102.6

Section 26. Effective when it becomes law.

[SB 146: Teledentistry/RDH Admin. Local Anesthetic \(S.L. 2021-95\)](#)

Section 3. Allows experienced dental hygienists to practice in schools without a licensed dentist being physically present, under certain circumstances.

G.S. 90-233

Section 7. Effective when it becomes law.

[SB 159: State Health Plan Administrative Changes -AB \(S.L. 2021-125\)](#)

Section 1. Increases the value of State Health Plan (SHP) contracts that the Board of Trustees of the SHP for Teachers and State Employees is required to approve from more than \$500,000 to more than \$3 million. This requirement includes contracts that start at less than \$3 million but may exceed that amount during the term of the contract.

G.S. 135-48.33(a)

Section 2. Strikes language that says dependent children are not eligible for coverage under the SHP if the dependent child is eligible for employer-based health care outside of the SHP, other than a parent's claim. Continues coverage for disabled dependent children past their 26th birthday if (i) the disabled dependent child was covered by the SHP on their 26th birthday, and (ii) if verification of the dependent child's disability is provided to the SHP no later than 60 days after their 26th birthday. Allows disabled children to be eligible for coverage as dependents, even if they are also eligible for coverage as employees or retired employees.

G.S. 135-48.41; G.S. 135-48.1(9)

Section 3.(a)-(c) Gives the SHP Executive Administrator the sole authority to determine whether internal appeals are subject to external review. If the Executive Administrator decides that an internal appeal is not subject to external review, gives the Executive Administrator the authority to make a binding decision on the matter. Makes conforming changes.

G.S. 135-48.24; G.S. 135-48.22(3); G.S. 150B-1(e)

Sections 4 and 5. Make technical changes.

G.S. 135-48.27; G.S. 135-48.1(14)

Section 6. Effective when it becomes law.

[SB 172: Additional COVID-19 Response & Relief \(S.L. 2021-25\)](#)

Section 3.2.(a) Appropriates a total of \$6.4 billion from the American Rescue Plan Act of 2021, some of which impact NC students, including:

ESSER III (90% for public school units (PSUs))	\$3,260,772,535
Individuals with Disabilities Education Act (IDEA): Grants to States	\$81,359,400
IDEA: Preschool Grants	\$5,961,100
Emergency Assistance to Non-Public Schools	\$82,952,000

The federal act requires 90% of the ESSER III funds to go to PSUs and 10% to a state reserve. Of the funds going to PSUs, 20% must be used to address learning loss. From the state reserve, 5% must be used to address learning loss, 1% for comprehensive afterschool programs, 1% for evidence-based summer enrichment, 2.5% for other state level initiatives, and up to 0.5% for administration.

Section 3.5. Appropriates \$21.5 million from the ESSER III funds as follows:

1. \$20 million to ensure that each PSU receives at least \$400.00 per pupil in federal grant funds
2. \$1.5 million to be allocated in equal amounts to the Governor Morehead School for the Blind, Eastern NC School for the Deaf, and NC School for the Deaf for school facility repairs and improvements to reduce the risk of virus transmission and exposure to environmental health hazards

[SB 207: Various Raise The Age Changes/ JJAC Recs. \(S.L. 2021-123\)](#)

Section 5.(e) In cases when a juvenile court counselor is providing juvenile consultation services, requires the counselor to work collaboratively with specified individuals and groups, including the local education authority.

G.S. 7B, Article 27A

Section 9. Effective December 1, 2021, and applies to offenses committed on or after that date.

[SB 220: The Reopen Our Schools Act of 2021 \(S.L. 2021-4\)](#)

Section 1. Requires LEAs to provide in-person instruction to students in grades K-12 for the remainder of the 2020-2021 school year, beginning no later than the first instructional day that occurs 21 days following the effective date of this act.

Section 2. Defines in-person instruction in grades K-5 as Plan A (minimal social distancing) and in grades 6-12 as either Plan A or Plan B (six feet social distancing). Requires LEAs to comply with all requirements of the StrongSchoolsNC Public Health Toolkit (K-12), as that guidance existed on March 4, 2021. Requires students with an individualized education program or 504 plan to have the option of Plan A, at the discretion of the student's parent or guardian. Requires middle and high schools that open under Plan A to notify the Department of Health and Human Services (DHHS) and describe their plan to open safely. Requires a LEA that is operating grades 6-12 under Plan A to partner with the ABC Science Collaborative of the Duke University School of Medicine (ABC Collaborative) to allow the collection and analysis of data. Requires LEAs to continue to provide remote instruction options. Gives LEAs the authority to shift a school to remote instruction due to COVID-19 exposures or quarantines and requires a shift to be reported to DPI within 72 hours.

Section 3.(a)-(c) Requires DPI to use \$500,000 in federal funds to contract with the ABC Collaborative to provide data collation, analysis, and interpretation of COVID-19-related metrics of student, teacher, and staff safety for LEAs operating grades 6-12 under Plan A. Requires the ABC Collaborative to report its finding to the General Assembly, DPI, State Board of Education (SBE), DHHS, and the Governor's Office no later than the last day of March, April, and May and provide a final analysis no later than June 30, 2021. Requires the contract to end by September 15, 2021.

Section 4. For the remainder of the 2020-2021 school year, authorizes the Governor to issue an executive order to close a LEA when necessary to protect the health and safety of students and employees. However, does not allow the Governor to order a statewide closure, restriction, or reduction of the operation of schools in a single executive order.

Section 5. Clarifies that in-person instruction includes (i) being taught by a teacher on the school campus, as well as (ii) meal and transportation services. States that continued enrollment in a NC Virtual Public School course, other e-learning course, or the use of prerecorded learning materials that occurs on a LEA campus is considered to meet the in-person instruction requirement.

Section 6. Effective when it becomes law.

[SB 387: Excellent Public Schools Act of 2021 \(S.L. 2021-8\)](#)

Section 1. States that this act is to be known as the “Excellent Public Schools Act of 2021.”

Section 2. Defines the "Science of Reading" as “evidence-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”.

G.S. 115C-83.3

Section 3.(a) Establishes the Early Literacy Program within DPI to aid the NC Pre-K program by:

1. Training educators and administrators in instruction based on the Science of Reading
2. Providing digital and technological resources to meet reading achievement goals
3. Assessing children at the conclusion of their NC Pre-K program to determine their kindergarten readiness

G.S. 115C, Article 8

Section 3.(b) Requires teacher licensure renewal continuing education credits related to literacy be grounded in the Science of Reading.

G.S. 115C-270.30(b)

Section 3.(c) Requires educators working in the NC Pre-K program and with K-5 students to participate in the Language Essentials for Teachers of Reading and Spelling (LETRS) training program.

Section 3.(d) Requires DPI to report on the establishment of the Early Literacy Program to the Joint Legislative Education Oversight Committee (JLEOC) by September 15, 2022.

Section 3.(e) Applies beginning with the 2021-2022 school year.

Section 4.(a)-(c) Requires Educator Preparation Programs (EPPs) for elementary education and special educator teacher training to include coursework grounded in the Science of Reading, beginning on or after July 1, 2022.

G.S. 115C-269.20(a)(2) and (3)

Section 5.(a)-(b) Aligns literacy curriculum and instruction with the Read to Achieve program. Incorporates the Science of Reading into literacy instruction methods. Requires the State Board of Education (SBE) to develop and report literacy instruction standards to the JLEOC by May 15, 2022, and requires the SBE to provide those standards to LEAs by June 30, 2022. Requires DPI to develop a literacy implementation plan based on the standards and provide a model plan to LEAs by June 30, 2022. Requires LEAs to submit a concise explanation of its literacy curriculum and instruction, as aligned with the standards and model plan, by December 15, 2022. Requires regional case managers to review and modify literacy instruction statewide by November 15, 2023, and requires all modified curriculum and instruction to be in place beginning with the 2024-2025 school year.

Section 6.(b) Renames “instructional and support services” as “literacy interventions” in regard to strategies used to remediate reading difficulties. Defines an "Individual Reading Plan" as a document that outlines the literacy interventions that the student will receive to address their reading skill deficiencies. Requires LEAs to offer reading camps to third grade students who do not demonstrate reading proficiency and second grade students who demonstrate difficulty with reading development. Allows LEAs to offer reading camps to first grade students who demonstrate difficulty with reading development.

G.S. 115C-83.3

Section 6.(d) Requires LEAs to submit to DPI by October 1 a plan for literacy interventions that will be offered in the following school year. Requires DPI to review these plans, approve plans aligned with Read to Achieve, and report the results to the JLEOC by February 15. If a plan was denied, requires LEAs to submit an amended plan to DPI by March 15.

G.S. 115C, Article 8

Section 6.(e) Requires Individual Reading Plans (IRPs) to be developed for K-3 students demonstrating difficulty with reading development and lists what must be included in the IRP. Requires notice to be provided to a student’s parent or guardian that an IRP has been developed for the student. Requires DPI to develop an IRP checklist.

G.S. 115C, Article 8

Section 6.(i) Requires LEAs to report to the SBE annually on September 1 the number of K-3 students with IRPs. Requires LEAs to report to the SBE annually on November 15 the number and percentage of retained third 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 fifth grade for the school year following retention.

G.S. 115C-83.10

Section 6.(j) Permits an attendance fee for first grade students who attend a reading camp literacy intervention for first grade students demonstrating appropriate developmental abilities in reading comprehension.

G.S. 115C-83.11

Section 6.(k) Requires the SBE and DPI to conduct an analysis of literacy interventions provided throughout the State to determine which are most effective and to report any recommended legislation to the JLEOC by December 15, 2021.

Section 6.(l) Requires LEAs to submit a plan for literacy interventions, including reading camps, to DPI by March 1, 2022. Requires DPI to review each LEA's plan and provide feedback no later than May 15, 2022. Applies to the 2021-2022 school year.

Sections 6.(a), (c), (f), (g), and (h) Make conforming changes to statutes.

Section 6.(m) Except for subsection (l), applies beginning with the 2022-2023 school year.

Section 7.(a)-(j) Details reading camp requirements. Requires LEAs to provide a minimum \$1,200 signing bonus for teachers who have previously received a reading performance bonus or are associated with high growth in reading based on Education Value-Added Assessment System (EVAAS) data. Requires LEAs to provide a minimum \$150 performance bonus to teachers for each third-grade student who becomes proficient in reading by the end of the program. Clarifies what funds can be used for reading camps and bonuses. Clarifies differing effective dates for subsections. Reading camps and teacher bonuses are effective July 1, 2021, and apply beginning with the 2021-2022 school year.

G.S. 115C-83.3(4a) (as amended by Section 6(b) of this act); G.S. 115C, Article 8; G.S. 135-1(7a); G.S. 115C-83.7A(a)

Section 8. Requires DPI to develop a Digital Children's Reading Initiative, aligned with the Science of Reading, to increase the percentage of students who are reading proficiently by the end of third grade. Requires DPI to disseminate the fully developed Initiative by January 15, 2022, to all LEAs and requires LEAs to make the resources accessible on their website homepage no later than July 1, 2022.

Section 9.(a)-(c) Requires the SBE to analyze passage rates for alternative reading comprehension assessments and report those results and one alternative assessment recommendation to the JLEOC by October 15, 2021. Requires the SBE to provide the alternative assessment to LEAs, beginning with the 2022-2023 school year.

G.S. 115C-83.3(2)

Section 10.(a)-(c) Requires DPI to create and use a uniform template to collect Read to Achieve data and requires a report to the JLEOC by April 15, 2022. Applies beginning with the 2021-2022 school year and includes data from the 2020-2021 school year.

G.S. 115C-83.6(a2)

Section 11. Except as otherwise provided, effective when it becomes law.

[SB 582: High School Adjunct Instructors/CC Prep \(S.L. 2021-48\)](#)

Section 1. Allows higher education faculty members to qualify as K-12 adjunct instructors for fine and performing arts and foreign language courses (previous law only allowed instruction in core academic subjects). Allows an individual who (i) holds a bachelor's or graduate degree, (ii) attends a community college or educator preparation program (EPP), and (iii) completes at least one semester of teacher preparation to contract with a LEA to teach high-school level courses in core academic subjects, fine and performing arts, and foreign language related to the individual's specialized knowledge or work experience. (Existing contract requirements between LEAs and adjunct instructors apply.)

G.S. 115C-298.5

Section 2. Effective when it becomes law and applies beginning with the 2021-2022 school year.

[SB 654: K-12 COVID-19 Provisions \(S.L. 2021-130\)](#)

Section 1.1. For the 2021-2022 school year, requires the State Board of Education (SBE) to waive the calculation of achievement, growth, and performance scores and the display of performance scores, growth designations, and letter grades, based on 2020-2021 school year data. Requires the SBE to provide a brief explanation for these waivers because assessment data was heavily impacted by COVID-19.

G.S. 115C-12(9)c1; G.S. 115C-83.15

Section 1.2.(a)-(b) For the 2021-2022 school year, requires the SBE to issue annual report cards for public school units (PSUs), based on 2020-2021 school year data, that meet minimum accountability reporting requirements under the Elementary and Secondary Education Act (ESEA). Clarifies that PSUs are only required to display annual report card information issued by the SBE pursuant to this section.

G.S. 115C-12(9)c1; G.S. 115C, Part 1B of Article 8; G.S. 115C-47(58); G.S. 115C-75.8(d)(7); G.S. 115C-218.65, G.S. 115C-238.66(11); G.S. 116-239.8(b)(14); S.L. 2018-31, Subdivision 6(d)(2)

Sections 2.1, 2.2, and 2.3. Require the SBE to waive identification of additional low-performing schools, continually low-performing schools, and low-performing LEAs, based on 2020-2021 school year data. Previously identified schools and LEAs will continue with that identification and plans for improvement.

G.S. 115C-105.37; G.S. 115C-218.94(a) and (b); G.S. 115C-105.37A

Section 3.(a)-(i) For the 2021-2022 school year, allows PSUs with good cause waivers to use up to 15 days or 90 hours of remote instruction for severe weather and other emergencies. Allows all other PSUs to use up to 5 days or 30 hours. Requires PSUs that use this remote instruction to submit a remote instruction plan to the SBE by July 1 annually. Requires the SBE to report each remote instruction plan and a summary document to the Joint Legislative Education Oversight Committee (JLEOC) by September 15 annually. Effective when it becomes law and is repealed June 30, 2022.

G.S. 115C, Part 2 of Article 8; G.S. 115C-84.2(a); G.S. 115C-218.85(a)(1); G.S. 115C-238.53(d); G.S.115C-238.66(1)d; G.S. 116-239.8(b)(2)c; S.L. 2018-32, Subdivision 6(e)(1); S.L. 2018-32, Section 6(d)

Section 3A. For the 2021-2022 school year, allows PSUs to provide remote instruction to address health and safety concerns related to COVID-19. Requires PSUs to report any shift to remote instruction to DPI within 72 hours of the shift.

G.S. 115C-84.3 (as enacted by this act)

Section 3B.(a)-(c) Requires PSUs to submit a virtual instruction plan to DPI by October 1, 2021, in order to provide virtual instruction to students, with the consent of a parent or guardian, during the 2021-2022 school year. Requires DPI to make available a copy of each PSUs virtual instruction plan to the JLEOC and Working Group on Virtual Academies (enacted by Section 3C) by October 15, 2021. Lists requirements for PSU virtual instruction plans. Prohibits virtual instruction after June 30, 2022, except if a LEA was assigned a school code to operate a virtual academy by May 1, 2021.

G.S. 115C-84.3 (as enacted by this act)

Section 3C. Requires the State Superintendent of Public Instruction to create a Working Group on Virtual Academies that includes various stakeholders to make recommendations related to virtual academies. Provides a list of what the Working Group is required to report to the JLEOC by March 15, 2022.

Section 4. Continues the principal recruitment supplement for the 2021-2022 school year.

G.S. 115C-285.1

Section 5. For the 2021-2022 school year, requires principals to provide context to teachers on Education Value-Added Assessment System (EVAAS) data that reflects performance over multiple years and multiple teachers.

G.S. 115C-333.2

Section 6. For the 2021-2022 school year, requires LEAs and the SBE to provide context to teachers on EVAAS data that reflects performance over multiple years and multiple teachers.

G.S. 115C-299.5

Section 7. For the 2020-2021 school year, allows seniors to graduate without completing CPR instruction.

G.S. 115C-12(9d)a

Section 8.(a)-(b) Extends exam and/or coursework requirements for teachers seeking a continuing professional license from June 30, 2021, to December 31, 2021. Allows individuals to receive a residency teacher license if they have a bachelor's or advanced degree, or both (prior law only included bachelor's degree).

G.S. 115C-270.15; G.S. 115C-270.20; G.S. 115C-270.20(a)(5)

Section 9.(a)-(b) Modifies one of the definitions of a year-round school by requiring students to attend four quarters of between 43 and 47 instructional days (was 45) each school year, with 14 to 18 vacation days (was 15) between each quarter. Adds another definition of a year-round school: allows a single-track school to operate on the same multi-track schedule of another school in that LEA. Effective when it becomes law and applies beginning with the 2021-2022 school year.

G.S. 115C-84.2(f)(5)

Section 10. For the 2021-2022 school year, requires all PSUs to adopt a face mask policy for employees and students and to vote at least once a month on if the policy should be modified.

Section 11.(a)-(b) Temporarily waives the requirement that a person be making progress toward obtaining a high school diploma (or its equivalent) to be granted a driving eligibility certificate. Prohibits a school authority from notifying the Division of Motor Vehicles (DMV) that a person does not meet the requirements for a driving eligibility certificate. Effective when it becomes law and expires January 30, 2022.

G.S. 20-11(n); G.S. 115C-12(28); G.S. 115C-218.70; G.S. 115C-288(k); G.S. 115C-566; G.S. 115D-5(a3)

Section 12.(a)-(b) Requires the DMV to restore a person's revoked permit or license due to ineligibility for a driving eligibility certificate on making progress grounds. Effective when it becomes law and applies to revocations dated on or after March 1, 2020, through the effective date of this section.

Section 13. Except as otherwise provided, effective when it becomes law.

[SB 668: Anti-Pension Spiking Amds & Litig. Moratorium \(S.L. 2021-72\)](#)

Section 1.1.(b) and (d) Authorizes the collection of additional contributions from employing units under the Teachers' and State Employees' Retirement System (TSERS) to resolve contribution-based benefit cap (CBBC) liability. Applies to assessments imposed on or after July 1, 2022. Creates a new option for an employer to make an adjustment to their regular contribution rate, which is expected to last for 12 years.

G.S. 135-8(f); G.S. 135-4(jj); G.S. 150B

Section 2.1.(a) Creates a definition for "annualized final compensation" under TSERS as "the compensation received during the final year of service that is included in the member's average final compensation."

G.S. 135-1

Section 2.1.(b) States that the retirement allowance of a TSERS member with an average final compensation of more than \$100,000 (indexed) is not subject to the CBBC if the compensation was earned from multiple simultaneous employers unless an employer's share of the compensation exceeds \$100,000 (indexed). If the retirement allowance of a member who became a member before January 1, 2015, or who has not earned at least five years of membership service after January 1, 2015, exceeds the member's CBBC, that members' retirement allowance cannot be reduced but an additional contribution will be required. The additional contribution is required as follows:

1. If the member's annualized final compensation from the member's last employer is \$100,000 or more (indexed), then the additional contribution is required from the member's last employer.
2. If the member's annualized final compensation from the last employer is less than \$100,000 (indexed), and if the member was not eligible to retire with an unreduced benefit at the time of hire by the last employer, then the additional contribution is required from the member's last employer.
3. If the member's annualized final compensation from the last employer is less than \$100,000 (indexed), and if the member was eligible to retire with an unreduced benefit at the time of hire by that last employer, then the additional contribution is required from the most recent employer from which the member earned an annualized final compensation of \$100,000 or more (indexed).

G.S. 135-5(a3)

Section 2.1.(d) Effective when this act becomes law and expires July 1, 2022. Applies retroactively to retirements occurring on or after January 1, 2019; provided that for any retirement occurring on or after that date through the effective date, for which the Retirement System notified an employer of its liability, no additional employer is to be held liable for an additional contribution.

Section 3.1.(d) Amends the TSERS CBBC purchase provision to include the following:

- If the member's employer did not report to the retirement system any compensation paid to the member during the period used to compute the member's average final compensation, the retirement system will not notify the member's employer, but instead will notify the employer(s) who reported compensation during the member's average final compensation period.
- This notification will specify that employer's share of the amount that would have had to have been purchased to increase the member's benefit to the pre-cap level.
- The amount will be allocated proportionally to each employer based on the total amount of compensation to the member that each employer reported during the period used to compute the member's average final compensation.

G.S. 135-4(jj) (as amended by Section 1.1(d) of this act); G.S. 150B

Section 3.1.(e) Amends the TSERS anti-pension-spiking CBBC provision to require the Board of Trustees to determine the member's amount of retirement allowance with the following adjustments:

1. Multiplying the percentage of the member's average final compensation by the number of years of membership service (rather than credible service)

2. The amount should include the effect of any percentage reduction that applies to the member's service retirement allowance by virtue of the member's age or amount of creditable service
3. The amount should not be adjusted for an optional allowance elected
G.S. 135-5(a3)

Section 3.1.(f) Amends the TSERS provision pertaining to the collection of employer's contributions by adding the following:

1. If the employer associated with the member's last month of membership service did not report to the retirement system any compensation paid to the member during the period used to compute the member's average final compensation, that employer will not transmit the lump sum payment.
2. Instead, the employer(s) who reported compensation during the member's average final compensation period must transmit a lump sum payment equal to the employer's share of the total required lump sum payment, allocated proportionally to each employer based on the total amount of compensation to the member that each employer reported during the period used to compute the member's average final compensation.
G.S. 135-8(f)

Section 3.1.(g) Effective July 1, 2022.

Section 3.2. Requires a pause on pension-spiking litigation from the effective date of the act until June 30, 2022. As a result of this pause, extends the statute of limitations. Prohibits the Retirement System from intercepting funds that would have otherwise been directed to a LEA during this pause.

Section 4.(a)-(b) Creates a working group consisting of NCSBA, the NC Department of State Treasurer, and other organizations to review the anti-pension-spiking CBBC and develop recommendations that will reduce the number of pension spiking cases and lawsuits. These recommendations are to be presented to the Joint Legislative Oversight Committee on General Government no later than April 1, 2022.

Section 5.1. Requires a LEA to notify the Local Government Commission 15 days before it issues a request for proposals (RFP) for energy savings contracts that would involve a financing agreement.

G.S. 143-64.17A

Section 6.1. Provides a severability clause.

Section 7.1. Except as otherwise provided, effective when it becomes law.

[SB 693: Expedite Child Safety and Permanency \(S.L. 2021-132\)](#)

Section 6.(a)-(i) Requires public school units (PSUs) to provide students in grades 6-12 with information on child abuse and neglect, including age-appropriate information on sexual

abuse. This information is to be based on a rule that the State Board of Education (SBE), in consultation with DPI, must adopt. Requires students to receive a document with the information at the beginning of each school year and requires a display to be posted in “visible, high-traffic areas” in every public secondary school. Outlines the minimum required information to be provided. Effective when it becomes law and applies beginning with the 2021-2022 school year.

G.S. 115C-12; G.S. 115C-47; G.S. 115C-218.75; G.S. 115C-238.66; G.S. 116, Article 4; G.S. 116-235; G.S. 116-239.8 (b); S.L. 2018-32, Section 6(d)(2)

[SB 695: Various Education Changes \(S.L. 2021-170\)](#)

Section 1.(a)-(c) For individuals licensed as school administrators for any school year from 2010-2011 to 2020-2021, requires the State Board of Education (SBE) to deem previously issued licenses and future renewals as valid, regardless of failure to meet certain statutory licensure requirements. Requires the SBE to waive certain statutory licensure requirements for certain individuals in the process of becoming a licensed school administrator.

Section 2.(a)-(b) Requires LEAs to fulfill requests by eligible teachers and school employees to be paid in 12 monthly installments through a payroll deduction plan.

G.S. 115C-302.1(b); G.S. 115C-316(a)(2)

Section 3. Extends the submission of the Student Meal Debt Report from October 15, 2021, to October 15, 2023.

S.L. 2020-80, Section 2.3(a)

Section 4.(a)-(g) Authorizes public school units (PSUs) to hold State funds in local bank accounts for up to three business days after the date of drawing on the State funds, before making a final disbursement to the ultimate payee. Allows PSUs to deposit State funds with the official depository designated by the governing body of the PSU. Prior law required the State Treasurer to keep money on deposit until final disbursement to the ultimate payee.

G.S. 147-86.12; G.S. 147-80; G.S. 115C-75.11; G.S. 115C-281.105; G.S. 115C-238.70; G.S. 115C-438; G.S. 147-86.10; G.S. 147-86.11(f)(1)

Section 5. Effective when it becomes law.

[SB 722: 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.

S.L. 1993-167

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.¹

S.L. 1993-167

Section 2. Effective when it becomes law.

Local Legislation

House Bills

[HB 3: Craven Bd of Ed/Partisan Electoral Districts \(S.L. 2021-140\)](#)

Section 1. Beginning in 2022, changes the election method for the Craven County Board of Education from nonpartisan to partisan in even-numbered years. Changes the voting method from county-wide voting for district seats to allowing only voters residing in a district to vote for candidates for that district in primary and general elections.

Former G.S. 115-74.1 (as amended by S.L. 1979-1138; S.L. 1983-236; S.L. 1995-67)

Section 2. Beginning the first Monday in December 2022, requires Board vacancies to be filled by appointment by the remaining members of the Board, in consultation with the county executive committee of the relevant political party.

Section 3. Clarifies that this act does not affect the terms of office for Board members elected in 2018 or 2020 and that those elected or appointed in 2018 or 2020 will serve until a successor has been elected or qualified.

Section 4. Adds “Craven” to the list of counties titled “Vacancies in offices of county boards elected on a partisan basis in certain counties”, effective the first Monday in December 2022.

G.S. 115C-37.1(d)

¹ Section 1.7 of SB 722 originally delayed the regular 2021 elections until the general election for county offices in 2022; required candidates to file notices for the election between 12:00 pm on July 25, 2022, and 12:00 pm on August 12, 2022; stated that terms of office for members elected in 2022 will begin on December 6, 2022, and expire on December 2, 2025; was effective only if 2020 census data has not been received by the Board by July 19, 2021; required the Board to adopt a resolution regarding the election delay prior to July 26, 2021. Section 1.7 of SB 722 was amended by Section 6 of SB 150: Various Local Act Changes (S.L. 2021-102).

Section 5. Effective when it becomes law and applies to elections held on or after that date.

[HB 85: Cleveland County Bd of Ed Vacancies \(S.L. 2021-28\)](#)

Section 1. Requires the Cleveland County Board of Education to fill a vacancy for an unexpired term upon the recommendation of the county executive committee of the political party of which the vacating member was affiliated at the time of his or her election or appointment. The Board must appoint that person within seven days of the recommendation.

S.L. 2017-78, Section 3.1 (as amended by S.L. 2017-200 and S.L. 2018-140); S.L. 2004-41 (as amended by S.L. 2007-49)

Section 2. Removes “Cleveland” from the list of counties titled “Vacancies in offices of county boards elected on a partisan basis in certain counties”.

G.S. 115C-37.1(d)

Section 3. Effective when it becomes law and applies to vacancies existing on or after that date.

[HB 244: Lincoln County Bd of Ed/Partisan Election \(S.L. 2021-99\)](#)

Section 1. Beginning in 2022, changes the election method for the Lincoln County Board of Education from nonpartisan to partisan in even-numbered years. In 2022, and quadrennially thereafter, three members of the Board will be elected. In 2024, and quadrennially thereafter, four members of the Board will be elected. Beginning in 2022, requires Board vacancies to be filled by appointment by the remaining members of the Board, in consultation with the county executive committee of the relevant political party.

S.L. 1973-876, Section 5 (as amended by S.L. 1983-179, Section 1; S.L. 1985-155; S.L. 1989-304)

Section 2. Clarifies that this act does not affect the terms of office for Board members elected in 2018 and 2020 and that those elected and appointed in 2018 or 2020 will serve until a successor has been elected or qualified.

Section 3. Adds “Lincoln” to the list of counties titled “Vacancies in offices of county boards elected on a partisan basis in certain counties”, effective the first Monday in December 2022.

G.S. 115C-37.1(d)

Section 4. Except as otherwise provided, effective when it becomes law.

Senate Bills

[SB 150: Various Local Act Changes \(S.L. 2021-102\)](#)

Section 6.(a) Modifies Section 1.7(a) of S.L. 2021-56. 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.

S.L. 2021-56, Section 1.7(a); S.L. 1993-167

Section 6.(b) Repeals Section 1.7(b) of S.L. 2021-56, which stated that Section 1.7(a) was effective only if 2020 census data had not been received by the Board by July 19, 2021, and required the Board to adopt a resolution regarding the election delay prior to July 26, 2021.

S.L. 2021-56, Section 1.7(b)

Section 7. Effective when it becomes law.

[SB 288: Rutherford College/Bd. of Ed. Burke/Caldwell \(S.L. 2021-51\)](#)

Section 1.1.(a)-(e) Beginning in 2024, changes the election method for the Burke County Board of Education from nonpartisan to partisan in even-numbered years. Following the change to partisan, requires Board vacancies to be filled by appointment by the remaining members of the Board, in consultation with the county executive committee of the relevant political party. Clarifies that this act does not affect the terms of office for Board members elected in 2019 and 2021 and that those elected and appointed in 2019 or 2021 will serve until a successor has been elected or qualified.

S.L. 1981-1, Sections 2 and 3

Section 2.1. Beginning in 2022, changes the election method for the Caldwell County Board of Education from nonpartisan to partisan in even-numbered years. Following the change to partisan, requires Board vacancies to be filled by appointment by the remaining members of the Board, in consultation with the county executive committee of the relevant political party.

S.L. 1973-1273, Section 4 (as amended by S.L. 1987-37)

Sections 2.2. and 2.3. Make conforming changes.

S.L. 1973-1273, Sections 5 and 6

Section 2.4. Clarifies that this act does not affect the terms of office for Board members elected in 2018 and 2020 and that those elected and appointed in 2018 or 2020 will serve until a successor has been elected or qualified.

Section 2.5. Adds “Burke” and “Caldwell” to the list of counties titled “Vacancies in offices of county boards elected on a partisan basis in certain counties”, effective the first Monday in December 2022.

G.S. 115C-37.1(d)

Section 3.1. Effective when it becomes law and applies to elections held on or after that date.