

## **SUBCHAPTER IV. EDUCATION PROGRAM.**

### Article 8.

#### General Education.

##### Part 1. Courses of Study.

**§§ 115C-81 through 115C-81.4: Repealed by Session Laws 2017-126, ss. 1-4, effective July 20, 2017.**

#### **§ 115C-81.5. Standard course of study.**

(a) All children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall adopt a plan of education and a standard course of study as provided in G.S. 115C-12(9c) for the public schools of the State. It is the intent of the General Assembly that the focus of State educational funding shall be to ensure that each student receives a sound basic education. It is further a goal of the General Assembly to provide supplemental funds to low-wealth counties to allow those counties to enhance the instructional program and student achievement. Instruction shall be offered in the areas of arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and career and technical education. In addition, instruction shall be offered in all of the areas provided in this Part.

(b) The standard course of study shall provide all of the following:

- (1) A core curriculum for all students that takes into account the special needs of children.
- (2) A set of competencies, by grade level, for each curriculum area.
- (3) A list of textbooks for use in providing the curriculum.
- (4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with disabilities and, in particular, include appropriate modifications.
- (5) A program of remedial education.
- (6) Required support programs.
- (7) A definition of the instructional day.
- (8) Class size recommendations and requirements.
- (9) Prescribed staffing allotment ratios.
- (10) Material and equipment allotment ratios.
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations.
- (12) Any other information the Board considers appropriate and necessary. (2017-126, s. 5.)

#### **§ 115C-81.10. Career and technical education.**

Instruction in career and technical education shall include the following:

- (1) The integration of academic and career and technical education.
- (2) A sequential course of study leading to career and college readiness.
- (3) Increased student work skill attainment and job placement.
- (4) Increased linkages, where geographically feasible, between public schools and community colleges, so the public schools can emphasize academic preparation and the community colleges can emphasize specific job training.

- (5) Instruction and experience, to the extent practicable, in all aspects of the industry the students are prepared to enter. (2017-126, s. 5.)

**§ 115C-81.12. (Effective beginning with the 2024-2025 school year) Career pathways course.**

The State Board shall develop standards for an elective middle school course in which students investigate and learn about career pathways. The standards shall align with the requirements for career development plans under G.S. 115C-158.10(c) and include a focus on experiential and hands-on learning. (2023-134, s. 7.13(a).)

**§ 115C-81.15. Conflict resolution and mediation models.**

The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models, and curricula that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings. In developing this list, the Board shall emphasize materials, models, and curricula that currently are being used in North Carolina and that the Board determines to be effective. The Board shall include at least one model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum. (2017-126, s. 5.)

**§ 115C-81.20. Alcohol and drug use prevention education.**

(a) Instruction shall be provided in alcohol and drug use prevention education from kindergarten through high school.

(b) The State Board of Education shall develop and maintain a recommended list of alcohol and drug use prevention education materials that include components for teacher training and ongoing assessment and evaluation to verify success and ensure the use of up-to-date information and strategies.

(c) The Department of Public Instruction shall do the following:

- (1) Work to strengthen instructional offerings in the content and skill areas in which alcohol and drug use prevention education is addressed.
- (2) Develop curricular materials and resources that meet, extend, and supplement drug and alcohol education as outlined in the standard course of study and the teacher handbook for the competency-based curriculum.
- (3) Recommend to the State Board of Education any drug use prevention education support materials that should be removed from or added to the recommended list of curricular resources developed and maintained by the State Board of Education.

(d) Local boards of education may select supplemental alcohol and drug use prevention education materials from the list maintained by the State Board of Education or develop their own supplemental materials to be approved by the State Board of Education.

(e) Local boards of education shall do the following:

- (1) Implement an approved alcohol and drug use prevention education as a primary part of their comprehensive health education program.

- (2) Provide for ongoing evaluation of drug use prevention education resources, to include participation in ongoing evaluations with the Department of Public Instruction.

(f) The Department of Public Instruction, in conjunction with local school administrative units, shall provide for professional development to train educators and support personnel to implement a comprehensive alcohol and drug use prevention education program.

(g) Sequential, age-appropriate instruction shall be provided that includes all of the following:

- (1) Reaches all students in all grades.
- (2) Presents a clear and consistent message that the use of alcohol and unlawful drugs and the misuse of other drugs are unhealthy and harmful.
- (3) Reflects current research and theory.
- (4) Includes all abusable substances.
- (5) Utilizes information that is current and accurate.
- (6) Involves students in active "hands-on" learning experiences.
- (7) Integrates substance abuse education with other health and social issues and other subject and skill areas of the standard course of study.
- (8) Promotes understanding and respect for the law and values of society.
- (9) Encourages healthy, safe, and responsible attitudes and behaviors.
- (10) Includes strategies to involve parents, family members, and the community.
- (11) Includes information on intervention and treatment services.
- (12) Is continually open to revision, expansion, and improvement. (2017-126, s. 5.)

**§ 115C-81.25. Health education.**

(a) Comprehensive health education instruction shall be developed and taught to students from kindergarten through ninth grade.

(b) The State Board of Education shall do all of the following:

- (1) Supervise the development and operation of the statewide comprehensive school health education program, including curriculum development, teacher professional development, promotion of training in teacher preparation programs, learning material review, and assessment and evaluation of local programs in the same manner as for other programs.
- (2) Adopt objectives for the instruction of the subject areas listed in this section that are appropriate for each grade level.
- (3) Approve textbooks and other materials incorporating these objectives that local school administrative units may purchase with State funds.

(c) The State Board of Education, through the Department of Public Instruction, shall, on a regular basis, review materials related to these objectives and distribute these reviews to local school administrative units for their information. This program includes age-appropriate instruction in the following subject areas, regardless of whether this instruction is described as, or incorporated into a description of, "family life education," "family health education," "health education," "family living," "health," "healthful living curriculum," or "self-esteem":

- (1) Mental and emotional health.
- (2) Drug and alcohol abuse prevention.
- (3) Nutrition.
- (4) Dental health.

- (5) Environmental health.
- (6) Family living.
- (7) Consumer health.
- (8) Disease control.
- (9) Growth and development.
- (10) First aid and emergency care, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich maneuver by using hands-on training with mannequins so that students pass a test approved by the American Heart Association or American Red Cross. For the purposes of this subdivision, schools shall do all of the following:
  - a. Use an instructional program developed by the American Heart Association, the American Red Cross, or other nationally recognized programs that is based on the most current national evidence-based emergency cardiovascular care guidelines for CPR.
  - b. Maintain documentation in an electronic database that students have successfully completed CPR instruction to meet healthful living essential standards.
  - c. Require successful completion of instruction in CPR to be a requirement for high school graduation by the 2014-2015 school year.
- (11) Preventing sexually transmitted diseases, including HIV/AIDS, and other communicable diseases. As used in this section, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.
- (12) Reproductive health and safety education.
- (13) Bicycle safety.

(d) Parental Review. – The State Board of Education shall make available to all local school administrative units for review by the parents and legal guardians of students enrolled at those units any State-developed objectives for instruction, any approved textbooks, the list of reviewed materials, and any other State-developed or approved materials that pertain to or are intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, to the avoidance of out-of-wedlock pregnancy, or to the reproductive health and safety education curriculum. The review period shall extend for at least 60 days before use.

(e) Duty of Local School Administrative Units. – Each local school administrative unit shall provide a comprehensive school health education program that meets all the requirements of this section and all the objectives established by the State Board. Each local board of education may expand on the subject areas to be included in the program and on the instructional objectives to be met. (2017-126, s. 5.)

**§ 115C-81.30. Reproductive health and safety education provided by local school administrative units.**

(a) Each local school administrative unit shall provide a reproductive health and safety education program commencing in the seventh grade. Materials used in this instruction shall be age-appropriate for use with students. Law enforcement agencies, criminal justice agencies, and nongovernmental organizations with experience in sex-trafficking prevention and awareness may provide materials and information. Information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and

credentialed experts in any of the following fields: sexual health education, adolescent psychology, behavioral counseling, medicine, human anatomy, biology, ethics, or health education. Reproductive health and safety instruction provided by the local school administrative units shall do the following:

- (1) Teach that abstinence from sexual activity outside of marriage is the expected standard for all school-age children.
- (2) Present techniques and strategies to deal with peer pressure and offering positive reinforcement.
- (3) Present reasons, skills, and strategies for remaining or becoming abstinent from sexual activity.
- (4) Teach that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases when transmitted through sexual contact, including HIV/AIDS, and other associated health and emotional problems. As used in this section, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.
- (5) Teach that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including HIV/AIDS.
- (6) Teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity.
- (7) Provide opportunities that allow for interaction between the parent or legal guardian and the student.
- (8) Provide factually accurate biological or pathological information that is related to the human reproductive system.
- (9) Teach about the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illegal drugs, and inadequate prenatal care.
- (10) Teach about sexually transmitted diseases. Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases. Instruction shall include the rates of infection among pre-teen and teens of each known sexually transmitted disease and the effects of contracting each sexually transmitted disease. In particular, the instruction shall include information about the effects of contracting the Human Papilloma Virus, including sterility and cervical cancer.
- (11) Teach about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy.
- (12) Teach awareness of sexual assault, sexual abuse, and risk reduction. The instruction and materials shall:
  - a. Focus on healthy relationships.
  - b. Teach students what constitutes sexual assault and sexual abuse, the causes of those behaviors, and risk reduction.
  - c. Inform students about resources and reporting procedures if they experience sexual assault or sexual abuse.

- d. Examine common misconceptions and stereotypes about sexual assault and sexual abuse.
- (13) Teach about sex trafficking prevention and awareness. Each local school administrative unit shall:
  - a. Collaborate with a diverse group of outside consultants where practical, including law enforcement with expertise in sex-trafficking prevention education, to address the threats of sex trafficking.
  - b. Collaborate with a diverse group of outside consultants, including law enforcement with expertise in sex trafficking, on a referral protocol for high-risk pupils and minors.

(b) Each local board of education shall adopt a policy and provide a mechanism to allow a parent or a legal guardian to withdraw his or her child from instruction required under subdivisions (10) through (13) of subsection (a) of this section.

(c) Parental Review and Consent. – Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy or (ii) a reproductive health and safety education program, whether developed by the State or by the local board of education, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials as provided in G.S. 115C-81.25(d). Local boards of education shall adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any or all of these programs.

(d) Information on Contraceptives and Abortion Referral Services. – Students may receive information about where to obtain contraceptives and abortion referral services only in accordance with a local board's policy regarding parental consent. Any instruction concerning the use of contraceptives or prophylactics shall provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and sexually transmitted diseases, including HIV/AIDS, in actual use among adolescent populations and shall explain clearly the difference between risk reduction and risk elimination through abstinence. The Department of Health and Human Services shall provide the most current available information at the beginning of each school year.

(e) Prohibition on Distribution of Contraceptives. – Contraceptives, including condoms and other devices, shall not be made available or distributed on school property.

(f) School Health Coordinators. – School health coordinators may be employed to assist in the instruction of any portion of the comprehensive school health education program. Where feasible, a school health coordinator should serve more than one local school administrative unit. Each person initially employed as a State-funded school health coordinator after June 30, 1987, shall have a degree in health education.

(g) Duty of Local School Administrative Units. – Each local school administrative unit shall provide a comprehensive school health education program that meets all the requirements of this section and all the objectives established by the State Board. Each local board of education may expand on the subject areas to be included in the program and on the instructional objectives to be met. (2017-126, s. 5.)

### **§ 115C-81.35. Honors-level courses in healthful living education.**

The State Board of Education shall develop or identify academically rigorous honors-level courses in healthful living education that can be offered at the high school level. These

honors-level courses shall be more rigorous than standard-level courses, include advanced content, provide multiple opportunities for students to take greater responsibility for their learning, and require higher quality work from the students than standard courses. (2017-126, s. 5.)

**§ 115C-81.36. Advanced courses in mathematics.**

(a) When practicable, local boards of education shall offer advanced learning opportunities in mathematics in grades three through five, and advanced courses in mathematics in all grades six and higher. For the purposes of this section, advanced learning opportunities are those services and curricular modifications in mathematics for academically or intellectually gifted students approved as part of the local plan, as required by G.S. 115C-150.7.

(a1) When advanced learning opportunities are offered in mathematics in grades three through five, any student scoring at the highest level on the end-of-grade test shall, for the next school year, be provided advanced learning opportunities in mathematics approved for that student's grade level. No student who qualifies under this subsection shall be removed from the advanced learning opportunity provided to the student unless a parent or guardian of the student provides written consent for the student to be excluded or removed after being adequately informed that the student's placement was determined by the student's achievement on the previous end-of-grade test.

(b) When advanced courses are offered in mathematics in grades six and higher, any student scoring at the highest level on the end-of-grade or end-of-course test for the mathematics course in which the student was most recently enrolled shall be enrolled in the advanced course for the next mathematics course in which the student is enrolled. A student in seventh grade scoring at the highest level on the seventh grade mathematics end-of-grade test shall be enrolled in a high school level mathematics course in eighth grade. Local boards of education may provide supplemental content enrichment, which may include the administration of diagnostic assessments, to students enrolled in a high school level mathematics course. No student who qualifies under this subsection shall be removed from the advanced or high school mathematics course in which the student is enrolled unless a parent or guardian of the student provides written consent for the student to be excluded or removed from that course after being adequately informed that the student's placement was determined by the student's achievement on the previous end-of-grade or end-of-course test.

(c) By December 15, 2020, and annually thereafter, the Department of Public Instruction shall submit a report to the Joint Legislative Education Oversight Committee containing data collected for the current school year on the number and demographics of students who were eligible for advanced mathematics courses under this section, including high school level mathematics courses in eighth grade, and of those students, the number and demographics of those who were placed in advanced mathematics courses and were not placed in advanced mathematics courses. The report shall include information on the type and format of advanced mathematics courses provided and shall also include any feedback provided by local boards of education on the implementation of this section.

(d) The Department of Public Instruction shall provide guidance to local boards of education on how to best develop programming and courses to ensure all impacted students receive rigorous, academically appropriate instruction in mathematics. (2018-32, s. 2(a); 2019-120, s. 1.)

**§ 115C-81.37: Reserved for future codification purposes.**

**§ 115C-81.38: Reserved for future codification purposes.**

**§ 115C-81.39: Reserved for future codification purposes.**

**§ 115C-81.40. North Carolina history and geography.**

The standard course of study shall include the requirement that the public schools provide to all students one yearlong course of instruction on North Carolina history and geography in elementary school and one yearlong course of instruction in middle school on North Carolina history with United States history integrated into this instruction. The course of instruction shall include contributions to the history and geography of the State and the nation by the racial and ethnic groups that have contributed to the development and diversity of the State and nation. Each course of instruction may include up to two weeks of instruction relating to the local area in which the students reside. (2017-126, s. 5.)

**§ 115C-81.45. Classes conducted in English; citizenship; and civic literacy.**

(a) Except when a board authorizes teaching in a foreign language in order to comply with federal law, local boards of education shall require all teachers and principals to conduct classes except foreign language classes in English. Any teacher or principal who refuses to do so may be dismissed.

(b) Local boards of education shall provide for the efficient teaching at appropriate grade levels of all materials set forth in the standard course of study, including integrated instruction in the areas of citizenship in the United States of America, government of the State of North Carolina, government of the United States, fire prevention, the free enterprise system, and the dangers of harmful or illegal drugs, including alcohol.

(c) Democratic Process and Citizenship Education for Middle School Social Studies. – The State Board of Education shall include instruction in civic and citizenship education in the standard course of study for middle school social studies. The State Board of Education is strongly encouraged to include, at a minimum, the following components in the middle school civic and citizenship education standard course of study:

- (1) A tour of representative local government facilities, such as the local jail, the courthouse, or a town hall, to help students understand the way their community is governed.
- (2) Allowing students to choose and analyze a community problem and offer public policy recommendations on the problem to local officials.
- (3) Information about getting involved in community groups.

(d) **(Applicable to students entering the ninth grade before the 2021-2022 school year)**  
Civic Literacy. –

- (1) The State Board of Education shall require during the high school years the teaching of a semester course on the Founding Principles of the United States of America and the State of North Carolina. A passing grade in the course shall be required for graduation from high school, and the course shall include at least the following subjects:
  - a. The Creator-endowed inalienable rights of the people.
  - b. Structure of government, separation of powers with checks and balances.
  - c. Frequent and free elections in a representative government.



- d. Rule of law.
- e. Equal justice under the law.
- f. Private property rights.
- g. Federalism.
- h. Due process.
- i. Individual rights as set forth in the Bill of Rights.
- j. Individual responsibility.
- k. Constitutional limitations on government power to tax and spend, and prompt payment of public debt.
- l. Strong defense and supremacy of civil authority over military.
- m. Peace, commerce, and honest friendship with all nations, entangling alliances with none.

(2) The State Board of Education shall require that any high school level curriculum based tests for the course required in subdivision (1) of this subsection developed and administered statewide beginning with the 2016 2017 academic year include questions related to the philosophical foundations of our form of government and the principles underlying the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(3) The Department of Public Instruction and the local boards of education, as appropriate, shall provide or cause to be provided curriculum content for the semester course required in subdivision (1) of this subsection and professional development to ensure that the intent and provisions of this subsection are carried out. The curriculum content established shall include a review of the contributions made by Americans of all races.

(4) The Department of Public Instruction shall submit a biennial report by October 15 of each odd numbered year to the Joint Legislative Education Oversight Committee covering the implementation of this subsection.

**(d) (Applicable to students entering the ninth grade in the 2021-2022 school year)**

Founding Principles of the United States of America and North Carolina: Civic Literacy. –

(1) The State Board of Education shall require instruction in civic and citizenship education in the standard course of study for high school social studies through the teaching of a full-credit course that shall be called Founding Principles of the United States of America and North Carolina: Civic Literacy. A passing grade in the course shall be required for graduation from high school.

(1a) The course required by subdivision (1) of this subsection shall be solely focused on civics and citizenship education, and shall include at least the following subjects:

- a. The Creator-endowed inalienable rights of the people.
- b. Structure of government, separation of powers with checks and balances.
- c. Frequent and free elections in a representative government.
- d. Rule of law.
- e. Equal justice under the law.
- f. Private property rights.
- g. Federalism.

- h. Due process.
  - i. Individual rights as set forth in the Bill of Rights.
  - j. Individual responsibility.
  - k. Constitutional limitations on government power to tax and spend, and prompt payment of public debt.
  - l. Strong defense and supremacy of civil authority over military.
  - m. Peace, commerce, and honest friendship with all nations, entangling alliances with none.
- (1b) The State Board of Education is strongly encouraged to include the following components in the course required by subdivision (1) of this subsection:
- a. That students write to a local, State, or federal elected official about an issue that is important to them.
  - b. Instruction on the importance of voting and otherwise participating in the democratic process, including instruction on voter registration.
  - c. Information about current events and governmental structure.
  - d. Information about the democratic process and how laws are made.
- (2) The State Board of Education shall require that any high school level curriculum-based tests for the course required in subdivision (1) of this subsection developed and administered statewide include questions related to the philosophical foundations of our form of government and the principles underlying the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.
- (3) The Department of Public Instruction and the local boards of education, as appropriate, shall provide or cause to be provided curriculum content for the course required in subdivision (1) of this subsection and professional development to ensure that the intent and provisions of this subsection are carried out. The curriculum content established shall include a review of the contributions made by Americans of all races.
- (4) The Department of Public Instruction shall submit a biennial report by October 15 of each odd-numbered year to the Joint Legislative Education Oversight Committee covering the implementation of this subsection. (2017-126, s. 5; 2019-82, s. 3(a).)

**§ 115C-81.50. Student councils.**

All high schools and middle schools shall be encouraged to have elected student councils through which students have input into policies and decisions that affect them. All other schools are encouraged to have student councils.

The purpose of these student councils is to build civic skills and attitudes such as participation in elections, discussion and debate of issues, and collaborative decision making. Schools shall encourage active, broad-based participation in these student councils. (2017-126, s. 5.)

**§ 115C-81.55. Current events.**

Schools should encourage discussions of current events in a wide range of classes, especially social studies and language arts classes. All high schools and middle schools are encouraged to have at least two classes per grade level to offer interactive current events discussions at least every four weeks. (2017-126, s. 5.)

**§ 115C-81.57. Education on the Holocaust and genocide.**

(a) This section shall be known and may be cited as the "Gizella Abramson Holocaust Education Act."

(b) The State Board of Education shall review the middle school and high school standard course of study and, in consultation and coordination with the North Carolina Council on the Holocaust and the North Carolina Center for the Advancement of Teaching, shall (i) integrate into English, social studies courses, and other courses, as appropriate, education on the Holocaust and genocide and (ii) develop a curriculum for a Holocaust Studies elective that may be offered in middle schools and high schools of local school administrative units.

(c) The Department of Public Instruction shall provide or cause to be provided curriculum content, and local boards of education shall provide or cause to be provided professional development to ensure that the intent and provisions of this section are effectively implemented. The North Carolina Council on the Holocaust and the North Carolina Center for the Advancement of Teaching may, in consultation with the Department of Public Instruction and local boards of education, provide curriculum content and professional development.

(d) The State Board of Education and the Department of Public Instruction shall review resources and programs developed pursuant to the Never Again Education Act (P.L. 116-141) in satisfying their obligations under this section.

(e) For any standards, curriculum content, professional development, or other materials developed pursuant to this section, the following terms shall be utilized and defined consistent with their definitions in section 3 of the Never Again Education Act (P.L. 116-141):

- (1) Antisemitism.
- (2) Holocaust.
- (3) Holocaust denial and distortion. (2021-180, s. 7.84(b).)

**§ 115C-81.60. Character education.**

(a) Each local board of education shall develop and implement character education instruction with input from the local community. The instruction shall be incorporated into the standard curriculum and should address the following traits:

- (1) Courage. – Having the determination to do the right thing even when others don't and the strength to follow your conscience rather than the crowd; and attempting difficult things that are worthwhile.
- (2) Good judgment. – Choosing worthy goals and setting proper priorities; thinking through the consequences of your actions; and basing decisions on practical wisdom and good sense.
- (3) Integrity. – Having the inner strength to be truthful, trustworthy, and honest in all things; acting justly and honorably.
- (4) Kindness. – Being considerate, courteous, helpful, and understanding of others; showing care, compassion, friendship, and generosity; and treating others as you would like to be treated.
- (5) Perseverance. – Being persistent in the pursuit of worthy objectives in spite of difficulty, opposition, or discouragement; and exhibiting patience and having the fortitude to try again when confronted with delays, mistakes, or failures.

- (6) Respect. – Showing high regard for authority, for other people, for self, for property, and for country; and understanding that all people have value as human beings.
  - (7) Responsibility. – Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions; and being committed to active involvement in your community.
  - (8) Self-discipline. – Demonstrating hard work and commitment to purpose; regulating yourself for improvement and restraining from inappropriate behaviors; being in proper control of your words, actions, impulses, and desires; choosing abstinence from premarital sex, drugs, alcohol, and other harmful substances and behaviors; and doing your best in all situations.
- (b) In addition to the instruction under subsection (a) of this section, local boards of education are encouraged to include instruction on the following responsibilities:
- (1) Respect for school personnel. – In the school environment, respect includes holding teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference.
  - (2) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivating an orderly learning environment in which students and school personnel feel safe and secure; and encouraging the resolution of conflicts and disagreements through peaceful means, including peer mediation. Instruction in this responsibility should include a consistent and age-appropriate antiviolence message and a conflict resolution component for students in kindergarten through grade 12. These messages should include media-awareness education to help children recognize stereotypes and messages portraying violence.
  - (3) Service to others. – Engaging in meaningful service to their schools and their communities. Schools may teach service-learning by (i) incorporating it into their standard curriculum or (ii) involving a classroom of students or some other group of students in one or more hands-on community service projects. All schools are encouraged to provide opportunities for student involvement in community service or service-learning projects.
  - (4) Good citizenship. – Obeying the laws of the nation and this State; abiding by school rules; and understanding the rights and responsibilities of a member of a republic. (2017-126, s. 5.)

**§ 115C-81.65. Financial literacy.**

(a) Instruction shall be provided in personal financial literacy for all students. In addition to the requirements in subsection (b) of this section, the State Board of Education shall determine the other components of personal financial literacy that will be covered in the curriculum.

(b) (Applicable to students entering the ninth grade for years other than the 2020-2021 school year) Each student shall receive personal financial literacy instruction that shall include:

- (1) The true cost of credit.
- (2) Choosing and managing a credit card.

- (3) Borrowing money for an automobile or other large purchase.
- (4) Home mortgages.
- (5) Credit scoring and credit reports.
- (6) Other relevant financial literacy issues.

(b) (Applicable to students entering the ninth grade in the 2020-2021 school year) The State Board of Education shall require during the high school years the teaching of a full-credit course focused solely on Economics and Personal Finance (EPF). A passing grade in the course shall be required for graduation from high school. The content of the course shall, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education. The EPF course shall provide instruction on economic principles and shall provide personal financial literacy instruction that shall include, at a minimum, the following:

- (1) The true cost of credit.
- (2) Choosing and managing a credit card.
- (3) Borrowing money for an automobile or other large purchase.
- (4) Home mortgages.
- (5) Credit scoring and credit reports.
- (5a) Planning and paying for postsecondary education.
- (6) Other relevant financial literacy issues.

(c) The State Board of Education shall require that EPF teachers receive the professional development necessary to ensure that the intent and provisions of this section are carried out. To the extent funds are made available for this purpose, the State Board of Education shall require the employing entity to make available to EPF teachers and prospective EPF teachers the EPF professional development course provided by the North Carolina Council on Economic Education (NCCEE). When practicable, teachers shall complete the EPF professional development course prior to teaching the EPF course in public schools. If necessary, teachers may begin teaching the EPF course in public schools while awaiting the next possible opportunity to complete a session of the EPF professional development course. To the extent possible, the EPF professional development course shall be taken at the NCCEE-approved location most conveniently located to the local school administrative unit. (2017-126, s. 5; 2019-82, s. 2(a).)

#### **§ 115C-81.70. Disability history and awareness.**

(a) Each local board of education shall provide instruction on disability, people with disabilities, and the disability rights movement in conjunction with Disability History and Awareness Month, established pursuant to G.S. 103-11.

(b) This instruction shall be incorporated through measures that include any of the following:

- (1) Supplementing existing lesson plans.
- (2) Holding school assemblies.
- (3) Hosting disability-focused film festivals.
- (4) Organizing other school activities.

Local boards of education are encouraged to incorporate individuals with disabilities or knowledgeable guest speakers from the disability community into the delivery of this instruction. (2017-126, s. 5.)

**§ 115C-81.75. Cursive writing.**

The standard course of study shall include the requirement that the public schools provide instruction in cursive writing so that students create readable documents through legible cursive handwriting by the end of fifth grade. (2017-126, s. 5.)

**§ 115C-81.80. Multiplication tables.**

The standard course of study shall include the requirement that students enrolled in public schools memorize multiplication tables to demonstrate competency in efficiently multiplying numbers. (2017-126, s. 5.)

**§ 115C-81.81. Annual report on cursive writing and multiplication tables.**

The State Board of Education and the Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee by March 30 of each year on the compliance of each local school administrative unit with the requirements regarding cursive writing pursuant to G.S. 115C-81.75 and the memorization of multiplication tables pursuant to G.S. 115C-81.80. The report shall include at least the following information:

- (1) The percentage of local school administrative units in the State complying and not complying with G.S. 115C-81.75 and a list of both sets of units.
- (2) The percentage of local school administrative units in the State complying and not complying with G.S. 115C-81.80 and a list of both sets of units.
- (3) A list of all instructional strategies used by each local school administrative unit to comply with G.S. 115C-81.75 categorized by unit.
- (4) A list of each instructional strategy identified pursuant to subdivision (3) of this section and the corresponding percentage of local school administrative units in the State using that strategy to comply with G.S. 115C-81.75.
- (5) If, in any given year, one or more local school administrative units does not respond to inquiries from the Department of Public Instruction related to this section, the percentage of local school administrative units in the State that were nonresponsive and a list of those units. (2018-32, s. 1(a).)

**§ 115C-81.82: Reserved for future codification purposes.**

**§ 115C-81.83: Reserved for future codification purposes.**

**§ 115C-81.84: Reserved for future codification purposes.**

**§ 115C-81.85. Instruction in American Sign Language.**

(a) The State Board of Education shall encourage schools to offer American Sign Language classes in high schools as a modern foreign language.

(b) The State Board of Education shall adopt and implement standards for the certification of teachers of American Sign Language and shall set standards for teacher preparation programs that prepare students for certification as American Sign Language teachers. (2017-126, s. 5.)

**§ 115C-81.90. Computer science.**

(a) Required Instruction. – The State Board of Education shall include instruction in computer science in the standard course of study for middle and high school students. Computer

science shall mean the study of computers and algorithmic processes, including their (i) principles, (ii) hardware and software designs, (iii) implementation, and (iv) impact on society.

(b) **Introductory Course.** – Each public school unit shall offer to middle school students an elective introductory computer science course that surveys the field of computer science. The State Board of Education, in consultation with the Department of Public Instruction, shall adopt a list of approved courses that fulfill this requirement and make it publicly available on the Department's website.

(c) **Graduation Requirement.** – Each public school unit shall offer to high school students a computer science course which includes instruction in using existing technologies and creating new technologies. The public school unit may offer such a course to middle school students. The State Board of Education, in consultation with the Department of Public Instruction, shall adopt a list of approved courses that fulfill this requirement and make it publicly available on the Department's website. A passing grade in this course, whether taken in middle school or high school, satisfies the graduation requirement established in G.S. 115C-83.31(a)(3).

(d) **Instructional Setting.** – Public school units shall ensure that computer science courses be conducted in an in-person setting when practicable. When an in-person setting is not practicable, computer science courses may be provided through enrollment in remote courses that meet the requirements of Part 11 of Article 16 of this Chapter. (2023-132, ss. 2(a), 2.5(a), (d).)

**§ 115C-82: Repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1086, s. 89(d).**

**§ 115C-83: Repealed by Session Laws 1997-18, s. 4.**

#### Part 1A. North Carolina Read to Achieve Program.

##### **§ 115C-83.1. State goal.**

The goal of the State is to ensure that every student read at or above grade level by the end of third grade and continue to progress in reading proficiency so that he or she can read, comprehend, integrate, and apply complex texts needed for secondary education and career success. (2012-142, s. 7A.1(b).)

##### **§ 115C-83.2. Purposes.**

G.S. 115C-83.2(a) is set out twice. See note.

(a) **(Applicable before the beginning of the 2022-2023 school year)** The purposes of this Part are to ensure that (i) difficulty with reading development is identified as early as possible; (ii) students receive appropriate instructional and support services to address difficulty with reading development and to remediate reading deficiencies; and (iii) each student and his or her parent or guardian be continuously informed of the student's academic needs and progress.

(a) **(Applicable beginning with the 2022-2023 school year)** The purposes of this Part are to ensure that (i) difficulty with reading development is identified as early as possible; (ii) students receive appropriate literacy interventions to address difficulty with reading development and to remediate reading deficiencies; and (iii) each student and his or her parent or guardian be continuously informed of the student's academic needs and progress.

(b) In addition to the purposes listed in subsection (a) of this section, the purpose of this Part is to determine that progression from one grade to another be based, in part, upon proficiency in reading. (2012-142, s. 7A.1(b); 2021-8, s. 6(a).)

### § 115C-83.3. Definitions.

The following definitions apply in this Part:

- (1) "Accelerated reading class" means a class where focused literacy interventions are provided to increase a student's reading level at least two grades in one school year.
- (2) "Alternative assessment" means a valid and reliable standardized assessment of reading comprehension, approved by the State Board of Education, that is not the same test as the State-approved standardized test of reading comprehension administered to third grade students. The State Board of Education shall provide the valid and reliable alternative assessment to local school administrative units upon request and establish achievement level ranges for the approved alternative assessment. The State Board of Education shall annually review the alternative assessment to ensure ongoing relevance, validity, and reliability.
- (3) "Difficulty with reading development" means not demonstrating appropriate developmental abilities in any of the major reading areas, including, but not limited to, oral language, phonological or phonemic awareness, vocabulary, fluency, or comprehension, according to observation-based, diagnostic, or formative assessments.
- (3a) "Individual Reading Plan" means a document outlining the specific reading skill deficiencies of a student who has demonstrated difficulty with reading development and includes the literacy interventions that the student will receive to address the reading skill deficiencies, as required by G.S. 115C-83.6B.
- (4) "Literacy interventions" mean intentional strategies used to facilitate reading development and remediate emerging difficulty with reading development. Literacy interventions shall be grounded in the Science of Reading and include individual or small group instruction throughout the school year, reduced teacher-student ratios, frequent progress monitoring, tutoring in addition to the regular school day, reading camps, and extended learning time before or after the school day.
- (4a) "Reading camp" means an additional educational program outside of the instructional calendar provided by the local school administrative unit as a literacy intervention that shall be offered to (i) any third grade student who does not demonstrate reading proficiency and (ii) any second grade student who demonstrates difficulty with reading development. Local school administrative units may offer a reading camp as a literacy intervention to any first grade student who demonstrates difficulty with reading development. Parents or guardians of the student offered a reading camp as a literacy intervention shall make the final decision regarding the student's reading camp attendance.
- (5), (6) Repealed by Session Laws 2021-8, s. 6(b), effective April 9, 2021, and applicable beginning with the 2022-2023 school year.
- (7) "Reading proficiency" means reading at or above the third grade level by the end of a student's third grade year, demonstrated by the results of the State-approved standardized test of reading comprehension administered to third grade students.



- (7a) "Science of Reading" means 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.
- (8) "Student reading portfolio" means a compilation of independently produced student work selected by the student's teacher, beginning during the first half of the school year, and signed by the teacher and principal, as an accurate picture of the student's reading ability. The student reading portfolio shall include an organized collection of evidence of the student's mastery of the State's reading standards that are assessed by the State-approved standardized test of reading comprehension administered to third grade students. A single piece of evidence may show mastery of up to two standards. For each benchmark, there shall be three examples of student work demonstrating mastery by a grade of seventy percent (70%) or above.
- (9) Recodified as subdivision (4a).
- (9a) (Applicable beginning with the 2023-2024 school year) "Three-cueing system" means a model of teaching students to read based on meaning, structure and syntax, and visual cues, also known as "MSV."
- (10) "Transitional third and fourth class combination" means a classroom specifically designed to produce learning gains sufficient to meet fourth grade performance standards while continuing to remediate the student's difficulty with reading development. (2012-142, s. 7A.1(b); 2014-5, ss. 1-3; 2015-241, s. 8.48(a); 2021-8, ss. 2, 6(b), 7(a), 9(a); 2023-134, s. 7.64(a).)

**§ 115C-83.4. Comprehensive plan for reading achievement.**

(a) The State Board of Education shall develop, implement, and continuously evaluate a comprehensive plan to improve reading achievement in the public schools. The plan shall be based on reading instructional practices with strong evidence of effectiveness in current empirical research in reading development. The plan shall be developed with the active involvement of teachers, college and university educators, parents and guardians of students, and other interested parties. The plan shall, when appropriate to reflect research, include revision of the standard course of study or other curricular standards, revision of teacher licensure and renewal standards, and revision of teacher education program standards.

(b) The State Board of Education shall report biennially to the Joint Legislative Education Oversight Committee by October 15 of each even-numbered year on the implementation, evaluation, and revisions to the comprehensive plan for reading achievement and shall include recommendations for legislative changes to enable implementation of current empirical research in reading development. (2012-142, s. 7A.1(b); 2014-115, s. 80.)

**§ 115C-83.4A: Recodified as G.S. 115C-174.26 in Part 5 of Article 10A of Chapter 115C, effective June 10, 2014.**

**§ 115C-83.4B. Early Literacy Program.**

(a) There is established the Early Literacy Program within the Department of Public Instruction. The Department of Public Instruction, in consultation with the Department of Health and Human Services, shall use the Early Literacy Program to build strong foundational early

literacy skills utilizing the Science of Reading for children in the North Carolina Prekindergarten (NC Pre-K) program.

(b) As part of the Early Literacy Program, the Department of Public Instruction shall focus on at least the following components:

- (1) Provide a training program to educators and administrators working with children in the NC Pre-K program to ensure developmentally appropriate instruction grounded in the Science of Reading and outcomes promoting reading achievement in students. The Department of Public Instruction shall utilize a third-party independent teacher training program to deliver professional development that demonstrates evidence-based success with educators and administrators in establishing deep knowledge of literacy instruction.
- (2) Provide integration of age-appropriate resources, including digital and technological resources, in the NC Pre-K program for children to meet reading achievement goals.
- (3) Ensure administration of a formative assessment to children at the conclusion of their participation in the NC Pre-K program to determine their kindergarten readiness and the alignment of their literacy instruction with the Science of Reading. The Department shall also ensure that the results of each child's formative assessment are shared with the child's kindergarten teacher at the beginning of the next school year.

(c) The Early Literacy Program shall not use a three-cueing system, as defined in G.S. 115C-83.3(9a), or a curriculum with visual memory as the primary basis for teaching word recognition in any instruction or intervention provided to students in an NC Pre-K program. (2021-8, s. 3(a); 2023-134, s. 7.64(b).)

#### **§ 115C-83.5. Developmental screening and kindergarten entry assessment.**

(a) The State Board of Education shall ensure that every student entering kindergarten shall be administered a developmental screening of early language, literacy, and math skills within 30 days of enrollment.

(b) The State Board of Education shall ensure that every student entering kindergarten shall complete a kindergarten entry assessment within 60 days of enrollment.

(c) The developmental screening instrument may be composed of subsections of the kindergarten entry assessment.

(d) The kindergarten entry assessment shall (i) address the five essential domains of school readiness: language and literacy development, cognition and general knowledge, approaches toward learning, physical well-being and motor development, and social and emotional development and (ii) yield both qualitative and quantitative data in each of these domains. Data obtained through administration of the kindergarten entry assessment shall be used to populate relevant fields in a longitudinal data base. The language and literacy component of the kindergarten entry assessment may be used as a formative and diagnostic reading assessment as provided in G.S. 115C-83.6.

(e) The kindergarten entry assessment shall be (i) administered at the classroom level in all local school administrative units; (ii) aligned to North Carolina's early learning and development standards and to the standard course of study; and (iii) reliable, valid, and appropriate for use with all children, including those with disabilities and those who are English language learners.

(f) The results of the developmental screening and the kindergarten entry assessment shall be used to inform the following:

- (1) The status of children's learning at kindergarten entry.
- (2) Instruction of each child.
- (3) Efforts to reduce the achievement gap at kindergarten entry.
- (4) Continuous improvement of the early childhood system. (2012-142, s. 7A.1(b); 2014-5, s. 4.)

**§ 115C-83.6. (Applicable before the beginning of the 2022-2023 school year) Facilitating early grade reading proficiency.**

G.S. 115C-83.6 is set out twice. See notes.

(a) Kindergarten, first, second, and third grade students shall be assessed with valid, reliable, formative, and diagnostic reading assessments made available to local school administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a). Difficulty with reading development identified through administration of formative and diagnostic assessments shall be addressed with instructional supports and services. Parents or guardians of first and second grade students demonstrating reading comprehension below grade level as identified through assessments administered pursuant to this subsection shall be encouraged to enroll their student in a reading camp provided by the local school administrative unit. Parents or guardians of a student identified as demonstrating reading comprehension below grade level shall make the final decision regarding a student's reading camp attendance.

(a1) Kindergarten through third grade reading assessments shall yield data that can be used with the Education Value-Added Assessment System (EVAAS) to analyze student data to identify root causes for difficulty with reading development and to determine actions to address them.

(a2) The Department of Public Instruction shall provide for EVAAS analysis all formative and diagnostic assessment data collected pursuant to this section for kindergarten through third grade. The Department shall use a uniform template for all data collected, and the template shall be used each time data is provided. The template shall include clear designations for each data component reported.

(b) Formative and diagnostic assessments and resultant instructional supports and services shall address oral language, phonological and phonemic awareness, phonics, vocabulary, fluency, and comprehension using developmentally appropriate practices. These assessments may be administered by computer or other electronic device.

(c) Local school administrative units are encouraged to partner with community organizations, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of instructional supports and services that enhance reading development and proficiency. (2012-142, s. 7A.1(b); 2015-241, s. 8.48(b); 2017-57, s. 7.27(a); 2018-5, s. 7.24(b); 2018-97, s. 2.10; 2021-8, s. 10(b).)

**§ 115C-83.6. (Applicable beginning with the 2022-2023 school year) Facilitating early grade reading proficiency.**

G.S. 115C-83.6 is set out twice. See notes.

(a) Kindergarten, first, second, and third grade students shall be assessed with valid, reliable, formative, and diagnostic reading assessments made available to local school administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a). Difficulty with reading development identified through administration of formative and diagnostic assessments shall be addressed with literacy interventions outlined in the student's Individual

Reading Plan. Parents or guardians of first and second grade students offered a reading camp as a literacy intervention shall be encouraged to enroll their student in the reading camp provided by the local school administrative unit. Parents or guardians of a student identified as demonstrating reading comprehension below grade level shall make the final decision regarding a student's reading camp attendance.

(a1) Kindergarten through third grade reading assessments shall yield data that can be used with the Education Value-Added Assessment System (EVAAS) to analyze student data to identify root causes for difficulty with reading development and to determine actions to address them.

(a2) The Department of Public Instruction shall provide for EVAAS analysis all formative and diagnostic assessment data collected pursuant to this section for kindergarten through third grade. The Department shall use a uniform template for all data collected, and the template shall be used each time data is provided. The template shall include clear designations for each data component reported.

(b) Formative and diagnostic assessments and resultant literacy interventions shall address oral language, phonological and phonemic awareness, phonics, vocabulary, fluency, and comprehension using developmentally appropriate practices. These assessments may be administered by computer or other electronic device.

(c) Local school administrative units are encouraged to partner with community organizations, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of literacy interventions that enhance reading development and proficiency. (2012-142, s. 7A.1(b); 2015-241, s. 8.48(b); 2017-57, s. 7.27(a); 2018-5, s. 7.24(b); 2018-97, s. 2.10; 2021-8, ss. 6(c), 10(b).)

#### **§ 115C-83.6A. (Applicable beginning with the 2022-2023 school year) Approval of literacy intervention plans.**

(a) Each local school administrative unit shall submit to the Department of Public Instruction a plan for the literacy interventions it will offer, including reading camps, in the following school year no later than October 1. The plan shall include information about the local school administrative unit's efforts to staff reading camps with the most qualified teachers possible, including the unit's efforts to attract teachers associated with high growth in reading based on EVAAS data and teachers who have earned a reading bonus. The plan shall incorporate any feedback received from the Department on the previous year's plan. As part of their plans, local school administrative units are encouraged to partner with other local school administrative units and with community organizations to enhance literacy interventions.

(b) The Department of Public Instruction shall review each local school administrative unit's plan and approve only those literacy interventions that (i) provide instruction that is closely aligned with the goals and meet the requirements in this Part and (ii) comply with the literacy intervention standards published by the State Board of Education. No later than February 15, the Department shall notify each local school administrative unit of approval or denial of its plan and shall provide feedback if the plan is denied. No later than February 15, the Department shall report to the Joint Legislative Education Oversight Committee on which local school administrative units have literacy intervention plans that were (i) approved and (ii) denied. No later than March 15, if its plan was denied, a local school administrative unit may submit an amended plan to the Department of Public Instruction. The Department shall notify the local school administrative unit if the amended plan is approved or denied no later than April 15.

(c) State-provided literacy intervention funds shall not be released to any local school administrative unit for which a literacy intervention plan has not been approved by the Department of Public Instruction by April 15. Any local school administrative unit denied approval shall use local funds to fulfill the requirement to provide literacy interventions as provided in this Part. (2021-8, s. 6(d).)

**§ 115C-83.6B. (Applicable beginning with the 2022-2023 school year) Individual Reading Plans.**

(a) An Individual Reading Plan (IRP) shall be developed for any student in kindergarten through third grade demonstrating difficulty with reading development based on the results of either (i) the first diagnostic or formative assessment of the school year or (ii) the first diagnostic or formative assessment of the second semester of the school year. The IRP shall be continually adjusted based on multiple data sources as prescribed by the Department of Public Instruction, indicating that the student is not progressing toward grade-level standards in one or more major reading areas. Based on the most recently collected data, the IRP shall include the following information, specific to the identified student:

- (1) The specific reading skill deficiencies identified by assessment data.
- (2) Goals and benchmarks for growth.
- (3) The means by which progress will be monitored and evaluated.
- (4) The specific additional literacy interventions the student will receive.
- (5) The Science of Reading-based instructional programming the teacher will implement.
- (6) Any additional services the teacher deems appropriate to accelerate the student's reading skill and development.

(b) A student's parent or guardian shall be given notice that the student has been identified as having difficulty with reading development and that an IRP has been developed. The notice shall provide the parent or guardian the following:

- (1) Specific strategies that can be easily understood and implemented to assist the student in reading at grade level.
- (2) Encouragement to select one or more strategies for use at home that build on the student's interests and are most likely to engage the student and result in reading improvement.
- (3) Direction to free online or hard copy literacy resources that can be accessed via a prominently displayed area on the homepage of the primary website maintained by the Department of Public Instruction and by the local school administrative unit.

(c) A multitiered system of support intervention may be used to satisfy the requirements of this section if all of the components of subsection (a) of this section are incorporated in the intervention.

(d) The Department shall develop the following model documentation of compliance with the requirements of this section:

- (1) An IRP checklist.
- (2) An alternative document for use with a multitiered system of support intervention. (2021-8, s. 6(e).)

**§ 115C-83.7. Elimination of social promotion.**

G.S. 115C-83.7(b), (c)(1) are set out twice. See note.

(a) The State Board of Education shall require that a student be retained in the third grade if the student fails to demonstrate reading proficiency appropriate for a third grade student, as demonstrated on a State-approved standardized test of reading comprehension administered to third grade students. The test may be readministered once prior to the end of the school year.

(b) (Applicable before the beginning of the 2022-2023 school year) Students may be exempt from mandatory retention in third grade for good cause, but shall continue to be eligible to participate in reading camps, receive instructional supports and services and reading interventions appropriate for their age and reading level. Good cause exemptions shall be limited to the following:

- (1) Limited English Proficient students with less than two school years of instruction in an English as a Second Language program.
- (2) Students with disabilities, as defined in G.S. 115C-106.3(1), and whose individualized education program indicates (i) the use of the NCEXTEND1 alternate assessment, (ii) at least a two school year delay in educational performance, or (iii) receipt of intensive reading interventions for at least two school years.
- (3) Students who demonstrate reading proficiency appropriate for third grade students on an alternative assessment approved by the State Board of Education.
- (4) Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for third grade students. Student reading portfolio and review processes used by local school administrative units shall be approved by the State Board of Education.
- (5) Students who have (i) received reading intervention and (ii) previously been retained more than once in kindergarten, first, second, or third grades.

(b) (Applicable beginning with the 2022-2023 school year) Students may be exempt from mandatory retention in third grade for good cause, but shall continue to be eligible to participate in reading camps and receive literacy interventions appropriate for their age and reading level. Good cause exemptions shall be limited to the following:

- (1) Limited English Proficient students with less than two school years of instruction in an English as a Second Language program.
- (2) Students with disabilities, as defined in G.S. 115C-106.3(1), and whose individualized education program indicates (i) the use of the NCEXTEND1 alternate assessment, (ii) at least a two school year delay in educational performance, or (iii) receipt of intensive literacy interventions for at least two school years.
- (3) Students who demonstrate reading proficiency appropriate for third grade students on an alternative assessment approved by the State Board of Education.
- (4) Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for third grade students. Student reading portfolio and review processes used by local school administrative units shall be approved by the State Board of Education.
- (5) Students who have (i) received literacy interventions and (ii) previously been retained more than once in kindergarten, first, second, or third grades.

(c) The superintendent shall determine whether a student may be exempt from mandatory retention on the basis of a good cause exemption. The following steps shall be taken in making the determination:

- (1) (Applicable before the beginning of the 2022-2023 school year) The teacher of a student eligible for a good cause exemption shall submit documentation of the relevant exemption and evidence that promotion of the student is appropriate based on the student's academic record to the principal. Such evidence shall be limited to the student's individual education program, if applicable, alternative assessment, or student reading portfolio.
- (1) (Applicable beginning with the 2022-2023 school year) The teacher of a student eligible for a good cause exemption shall submit documentation of the relevant exemption and evidence that promotion of the student is appropriate based on the student's academic record to the principal. Such evidence shall be limited to the student's individualized education program, if applicable, alternative assessment, or student reading portfolio.
- (2) The principal shall review the documentation and make an initial determination whether the student should be promoted. If the principal determines the student should be promoted, the principal shall make a written recommendation of promotion to the superintendent for final determination. The superintendent's acceptance or rejection of the recommendation shall be in writing. (2012-142, s. 7A.1(b); 2014-5, s. 5; 2015-46, s. 2; 2021-8, s. 6(f).)

**§ 115C-83.7A. Reading camps.**

(a) Reading camps shall meet the following requirements:

- (1) Offer at least 72 hours of reading instruction to yield positive reading outcomes for participants.
- (2) Be taught by compensated, licensed teachers selected based on demonstrated student outcomes in reading proficiency or in improvement of difficulties with reading development.
- (3) Allow volunteer mentors to read with students at times other than during the 72 hours of reading instruction.
- (4) **(Effective July 1, 2022, and applicable beginning with the 2022-2023 school year)** Be provided as outlined in the local school administrative unit's literacy intervention plan.

(b) Each local school administrative unit shall provide a signing bonus in an amount determined by the local board of education that is at least one thousand two hundred dollars (\$1,200) to any teacher who meets all of the following criteria:

- (1) Is associated with high growth in reading based on EVAAS data.
- (2) Was awarded a reading performance bonus administered by the Department of Public Instruction.
- (3) Accepts employment to provide instruction during a reading camp.

(c) Each local school administrative unit shall provide a reading camp performance bonus to a teacher who provided instruction at a third grade reading camp in a per-student amount determined by the local board of education that is at least one hundred fifty dollars (\$150.00) for each student not demonstrating reading proficiency assigned to that teacher who demonstrates reading proficiency on an alternative assessment at the end of the reading camp.

(d) Notwithstanding G.S. 135-1(7a), any bonus awarded pursuant to subsections (b) and (c) of this section is not compensation under Article 1 of Chapter 135 of the General Statutes, the Teachers' and State Employees' Retirement System.

(e) A teacher who has earned a reading performance bonus and who provides instruction throughout a full reading camp shall be deemed to have completed two of the continuing education credits related to literacy required by G.S. 115C-270.30(b)(2). (2021-8, s. 7(b), (c).)

#### **§ 115C-83.8. Successful reading development for retained students.**

(a) Parents or guardians of students not demonstrating reading proficiency shall be encouraged to enroll their student in a reading camp provided by the local school administrative unit. Parents or guardians of a student not demonstrating reading proficiency shall make the final decision regarding a student's reading camp attendance. Local school administrative units shall provide at least one opportunity for students not participating in a reading camp to demonstrate reading proficiency appropriate for third grade students on an alternative assessment or through a student reading portfolio process approved by the State Board of Education prior to retaining the student.

(b) **(Applicable before the beginning of the 2022-2023 school year)** Students retained under G.S. 115C-83.7(a) shall be provided with a teacher selected based on demonstrated student outcomes in reading proficiency and placed in an accelerated reading class or a transitional third and fourth grade class combination, as appropriate. Classroom instruction shall include at least 90 minutes of daily, uninterrupted, evidence-based reading instruction, not to include independent reading time, and other appropriate instructional supports and services and reading interventions.

(b) **(Applicable beginning with the 2022-2023 school year)** Students retained under G.S. 115C-83.7(a) shall be provided with a teacher selected based on demonstrated student outcomes in reading proficiency and placed in an accelerated reading class or a transitional third and fourth grade class combination, as appropriate. Classroom instruction shall include at least 90 minutes of daily, uninterrupted, Science of Reading-based instruction, not to include independent reading time, and other appropriate literacy interventions, as outlined in each student's Individual Reading Plan.

(c) The State Board of Education shall establish a midyear promotion policy for any student retained under G.S. 115C-83.7(a) who, by November 1, demonstrates reading proficiency through administration of the alternative assessment of reading comprehension or student reading portfolio review. Principals shall use the provisions under G.S. 115C-288(a) to grade and classify students demonstrating reading proficiency after the November 1 midyear promotion deadline.

(d) Repealed by Session Laws 2013-360, s. 8.30, effective July 1, 2013.

(e) **(Applicable before the beginning of the 2022-2023 school year)** Parents or guardians of students who have been retained twice under the provisions of G.S. 115C-83.7(a) shall be offered supplemental tutoring for the retained student in evidence-based reading services outside the instructional day.

(e) **(Applicable beginning with the 2022-2023 school year)** Parents or guardians of students who have been retained twice under the provisions of G.S. 115C-83.7(a) shall be offered supplemental tutoring grounded in the Science of Reading for the retained student outside the instructional day. (2012-142, s. 7A.1(b); 2013-360, s. 8.30; 2014-5, s. 6; 2021-8, s. 6(g).)

#### **§ 115C-83.9. Notification requirements to parents and guardians.**



(a) Parents or guardians shall be notified in writing, and in a timely manner, that the student shall be retained, unless he or she is exempt from mandatory retention for good cause, if the student is not demonstrating reading proficiency by the end of third grade. Parents or guardians shall receive this notice when a kindergarten, first, second, or third grade student (i) is demonstrating difficulty with reading development; or (ii) is not reading at grade level.

(b) **(Applicable before the beginning of the 2022-2023 school year)** Parents or guardians of any student who is to be retained under the provisions of G.S. 115C-83.7(a) shall be notified in writing of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b). Written notification shall also include a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency.

(b) **(Applicable beginning with the 2022-2023 school year)** Parents or guardians of any student who is to be retained under the provisions of G.S. 115C-83.7(a) shall be notified in writing of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b). Written notification shall also include a description of proposed literacy interventions that will be provided to the student to remediate areas where the student has not demonstrated reading proficiency.

(c) Parents or guardians of students retained under G.S. 115C-83.7(a) shall receive at least monthly written reports on student progress toward reading proficiency. The evaluation of the student's progress shall be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

(d) Teachers and principals shall provide opportunities, including, but not limited to, information sessions, to discuss with parents and guardians the notifications listed in this section. (2012-142, s. 7A.1(b); 2014-5, s. 7; 2015-46, s. 3; 2021-8, s. 6(h).)

**§ 115C-83.10. (Applicable beginning with the 2022-2023 school year) Accountability measures.**

(a) Each local board of education shall publish annually on a Web site maintained by that local school administrative unit and report in writing to the State Board of Education by September 1 of each year the following information on the prior school year:

- (1) The number and percentage of third grade students demonstrating and not demonstrating reading proficiency on the State-approved standardized test of reading comprehension administered to third grade students.
- (2) The number and percentage of third grade students who take and pass an alternative assessment of reading comprehension and the name of each alternative assessment used for this purpose with the number of students who passed it.
- (3) The number and percentage of third grade students retained for not demonstrating reading proficiency.
- (4) The number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in G.S. 115C-83.7(b).
- (5) The number and percentage of first grade students demonstrating and not demonstrating reading comprehension at grade level.
- (6) The number and percentage of second grade students demonstrating and not demonstrating reading comprehension at grade level.

- (7) For each grade level, the number and percentage of students eligible for priority enrollment in reading camp under G.S. 115C-83.11(b) and, for each grade level, the number and percentage of those students who attend reading camp.
- (b) Each local board of education shall report annually in writing to the State Board of Education by September 1 of each year the following information on the prior school year:
- (1) A description of all literacy interventions provided to students who have been retained under G.S. 115C-83.7(a).
  - (2) The number of first and second grade students attending a reading camp offered by the local board.
  - (3) The license area or areas, years of licensed teaching experience, grade level assignment, and any other specific subject-area assignments of each teacher providing instruction at a reading camp.
  - (4) The number and percentage of teachers providing instruction at a reading camp who were paid a reading performance bonus during the school year immediately preceding the reading camp and the grade level on which the bonus was based.
  - (5) The number of kindergarten through third grade students with an Individual Reading Plan.
- (b1) Each local board of education shall report annually in writing to the State Board of Education by November 15 of each year, for the prior school year, (i) the number and percentage of third grade students who did not demonstrate proficiency upon entering reading camp and who became proficient after completing reading camp and (ii) for each grade level, the number and percentage of first and second grade students who demonstrated difficulty with reading upon entering camp and who demonstrated reading comprehension at or above grade level after completing reading camp.
- (b2) Each local board of education shall report annually in writing to the State Board of Education by November 15 of each year the number and percentage of retained third grade students placed in an accelerated reading class or transitional third and fourth class combination under G.S. 115C-83.8(b) in the prior school year who were (i) promoted midyear as provided in G.S. 115C-83.8(c) or (ii) promoted directly to fifth grade for the school year following the retention.
- (c) The State Board of Education shall establish a uniform format for local boards of education to report the required information listed in subsections (a) and (b) of this section and shall provide the format to local boards of education no later than 90 days prior to the annual due date. The State Board of Education shall compile annually this information and submit a State-level summary to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee by December 15, 2016, and annually thereafter. The State-level summary shall include, for each local school administrative unit, every component listed in subsections (a), (b), (b1), and (b2) of this section.
- (d) The State Board of Education and the Department of Public Instruction shall provide technical assistance as needed to aid local school administrative units to implement all provisions of this Part.
- (e) Local boards of education shall fully complete all information required by this section in the uniform format provided by the State Board. (2012-142, s. 7A.1(b); 2014-115, s. 81; 2015-241, s. 8.48(c); 2017-102, s. 48(g); 2018-5, s. 7.24(a); 2021-8, s. 6(i).)

**§ 115C-83.11. (Applicable beginning with the 2022-2023 school year) Continued support for students demonstrating reading proficiency and appropriate reading development.**

(a) Parents or guardians of a third grade student demonstrating reading proficiency or a second grade student demonstrating appropriate developmental abilities in reading comprehension may choose to enroll the student in the reading camp but may be charged an attendance fee. If a local board of education offers a reading camp as a literacy intervention for first grade students, parents, or guardians of a first grade student demonstrating appropriate developmental abilities in reading comprehension may choose to enroll the student in the reading camp but may be charged an attendance fee. Local boards of education may establish a fee amount to be equal to the per student program cost of participating in the reading camp, not to exceed eight hundred twenty-five dollars (\$825.00).

(b) Priority enrollment in the reading camp is for students offered a reading camp as a literacy intervention. Local boards of education shall establish application procedures and enrollment priorities for reading camps for students demonstrating reading proficiency. (2014-5, s. 8; 2015-241, s. 8.48(d); 2021-8, s. 6(j).)

**§ 115C-83.12. (Applicable beginning with the 2023-2024 school year) Prohibition against three-cueing system model of teaching students to read.**

Local school administrative units shall not use a three-cueing system or a curriculum with visual memory as the primary basis for teaching word recognition in any instruction or intervention provided to students in grades kindergarten through three. (2023-134, s. 7.64(c).)

**§ 115C-83.13: Reserved for future codification purposes.**

**§ 115C-83.14: Reserved for future codification purposes.**

Part 1B. School Performance.

**§ 115C-83.15. School achievement, growth, performance scores, and grades.**

(a) School Scores and Grades. – The State Board of Education shall award school achievement, growth, and performance scores and an associated performance grade as required by G.S. 115C-12(9)c1., and calculated as provided in this section.

(b) Calculation of the School Achievement Score. – In calculating the overall school achievement score earned by schools, the State Board of Education shall total the sum of points earned by a school as follows:

- (1) For schools serving any students in kindergarten through eighth grade, the State Board shall assign points on the following measures available for that school:
  - a. One point for each percent of students who score at or above proficient on annual assessments for mathematics in grades three through eight. For the purposes of this Part, an annual assessment for mathematics shall include any mathematics course with an end-of-course test.
  - b. One point for each percent of students who score at or above proficient on annual assessments for reading in grades three through eight.
  - c. One point for each percent of students who score at or above proficient on annual assessments for science in grades five and eight.

- d. One point for each percent of students who progress in achieving English language proficiency on annual assessments in grades three through eight.
- (2) For schools serving any students in ninth through twelfth grade, the State Board shall assign points on the following measures available for that school:
- a. One point for each percent of students who score at or above proficient on either the Algebra I or Integrated Math I end-of-course test or, for students who completed Algebra I or Integrated Math I before ninth grade, another mathematics course with an end-of-course test.
  - b. One point for each percent of students who score at or above proficient on the English II end-of-course test.
  - c. One point for each percent of students who score at or above proficient on the Biology end-of-course test.
  - d. One point for each percent of students who complete Algebra II or Integrated Math III with a passing grade.
  - e. One point for each percent of students who either (i) achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness or (ii) are enrolled in Career and Technical Education courses and score at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness.
  - f. Repealed by Session Laws 2019-142, s. 1, effective July 19, 2019, and applicable to measures based on data from the 2018-2019 school year and each school year thereafter.
  - g. One point for each percent of students who graduate within four years of entering high school.
  - h. One point for each percent of students who progress in achieving English language proficiency.

In calculating the overall school achievement score earned by schools, the State Board of Education shall (i) use a composite approach to weigh the achievement elements based on the number of students measured by any given achievement element and (ii) proportionally adjust the scale to account for the absence of a school achievement element for award of scores to a school that does not have a measure of one of the school achievement elements annually assessed for the grades taught at that school. The overall school achievement score shall be translated to a 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

(c) Calculation of the School Growth Score. – Using the Education Value-Added Assessment System (EVAAS), the State Board shall calculate the overall growth score earned by schools. In calculating the total growth score earned by schools, the State Board of Education shall weight student growth on the achievement measures as provided in subsection (b) of this section that have available growth values; provided that for schools serving students in grades nine through 12, the growth score shall only include growth values for measures calculated under sub-subdivisions a. and b. of subdivision (2) of subsection (b) of this section. The numerical values used to determine whether a school has met, exceeded, or has not met expected growth shall be translated to a 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

(d) Calculation of the Overall School Performance Scores and Grades. – The State Board of Education shall calculate the overall school performance score by adding the school achievement score, as provided in subsection (b) of this section, and the school growth score, as determined using EVAAS as provided in subsection (c) of this section, earned by a school. The school achievement score shall account for eighty percent (80%), and the school growth score shall account for twenty percent (20%) of the total sum. For all schools, the total school performance score shall be converted to a 100-point scale and used to determine an overall school performance grade. The overall school performance grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

- (1) A school performance score of at least 85 is equivalent to an overall school performance grade of A.
- (2) A school performance score of at least 70 is equivalent to an overall school performance grade of B.
- (3) A school performance score of at least 55 is equivalent to an overall school performance grade of C.
- (4) A school performance score of at least 40 is equivalent to an overall school performance grade of D.
- (5) A school performance score of less than 40 is equivalent to an overall school performance grade of F.

(d1) Establishment of Subgroups of Students. – The State Board shall establish the minimum number of students in a subgroup served by a school that is necessary to disaggregate information on student performance and to determine a subgroup performance score and grade for the following subgroups of students:

- (1) Economically disadvantaged students.
- (2) Students from major racial and ethnic groups.
- (3) Children with disabilities.
- (4) English learners.

(d2) Calculation of the School Performance Scores and Grades for Certain Subgroups of Students Served by a School. – In addition to the overall school performance scores and grades awarded under this section, for each school that serves a minimum number of students in a subgroup of students listed in subsection (d1) of this section, the State Board of Education shall calculate school performance scores and shall determine a corresponding school performance grade for each subgroup using the same method as set forth in subsection (d) of this section. School performance scores for subgroups of students shall not be included in the calculation of the overall school performance scores and grades under subsection (d) of this section.

(d3) Report of Subgroup Performance Scores and Grades. – The subgroup performance scores and grades shall be reported separately on the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8 in a way that provides the following information:

- (1) For the current year and the previous two years, the achievement score for each subgroup of students defined in subsection (d1) of this section for the school.
- (2) The statewide average achievement score for each subgroup defined in subsection (d1) of this section.

- (3) The difference between the achievement score for all students in the school and the achievement score for each subgroup that meets the minimum number of students defined in subsection (d1) of this section.
- (4) Based on the information reported in subdivision (3) of this subsection, the State Board shall determine and identify schools that are closing achievement gaps, experiencing a widening of gaps, or seeing no significant gap changes.

(e) Elementary and Middle School Reading and Math Achievement Scores. – For schools serving students in kindergarten through eighth grade, the school achievement scores in reading and mathematics, respectively, shall be reported separately on the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

(e1) Career and College Readiness Scores. – For schools serving any students in ninth through twelfth grade, the percentage of students who either (i) achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness or (ii) are enrolled in Career and Technical Education courses and score at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness shall be reported on the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

(f) Indication of Growth. – In addition to awarding the overall school scores for achievement, growth, and performance and the performance grade, using EVAAS, the State Board shall designate that a school has met, exceeded, or has not met expected growth. The designation of student growth shall be clearly displayed in the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

(g) Access to Annual Report Card Information on the Department's Web Site. – Beginning with data collected in the 2017-2018 school year, the State Board of Education shall provide user-friendly access to the public on the annual report cards issued for local school administrative units and individual schools provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8 through the Department of Public Instruction's Web site. The annual report card shall be designed and organized to display the following information more prominently than any other information:

- (1) A summary for each local school administrative unit and for each individual school of the school performance grades, whether the school has met, exceeded, or has not met expected growth, and any other information required to be provided as part of the annual report card.
- (2) The percentage of schools receiving an overall school performance letter grade of A, B, C, D, or F earned by each school located within a local school administrative unit and statewide.
- (3) The number of schools that have met, exceeded, or have not met expected growth by each school located within a local school administrative unit and statewide.
- (4) A Web page for each individual school that prominently displays the school's performance grades, whether the school has met, exceeded, or has not met expected growth, and the school's performance and growth scores in a way that is easy for the user to read.
- (5) The ability to easily compare annual report card information, including school performance grades and whether schools have met, exceeded, or have not met expected growth, for local school administrative units and for individual

schools for a time span of at least three years. (2013-360, s. 9.4(b); 2013-363, s. 3.6; 2014-5, ss. 13, 14; 2014-101, s. 7; 2016-94, s. 11.6(c); 2017-57, s. 7.26(c); 2017-197, s. 2.5; 2017-206, s. 1(a); 2019-142, ss. 1, 4; 2019-154, s. 1.)

**§ 115C-83.16. School performance indicators for the purpose of compliance with federal law.**

(a) The State Board of Education shall use the school performance scores and grades as calculated under G.S. 115C-83.15 to satisfy the federal requirement under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), P.L. 114-95, to meaningfully differentiate the performance of schools on an annual basis. For the purpose of compliance with federal law, the indicators shall be defined as follows:

- (1) For schools serving any students in kindergarten through eighth grade, the State Board shall define the indicators as follows:
  - a. Academic indicators. –
    1. The academic achievement indicator shall include the following measures:
      - I. Proficiency on annual assessments for mathematics in grades three through eight.
      - II. Proficiency on annual assessments for reading in grades three through eight.
    2. The other academic indicator shall include the following measures:
      - I. Proficiency on annual assessments for science in grade five.
      - II. Proficiency on annual assessments for science in grade eight.
    3. The English language proficiency indicator shall be the percentage of students who progress in achieving English language proficiency on annual assessments in grades three through eight.
  - b. School quality and student success indicator. – The measure of school quality and student success shall be the growth score earned by schools.
- (2) For schools serving any students in ninth through twelfth grade, the State Board shall define the indicators as follows:
  - a. Academic indicators. –
    1. The academic achievement indicator shall include the following measures:
      - I. Proficiency on either the Algebra I or Integrated Math I end-of-course test or, for students who completed Algebra I or Integrated Math I before ninth grade, another mathematics course with an end-of-course test.
      - II. Proficiency on the English II end-of-course test.
      - III. The growth score earned by schools.
    2. Repealed by Session Laws 2017-206, s. 1(b), effective August 30, 2017, and applicable beginning with the 2017-2018 school year.

3. The graduation rate indicator shall be the percentage of students who graduate within four years of entering high school.
  4. The English language proficiency indicator shall be the percentage of students who progress in achieving English language proficiency.
- b. School quality and student success indicator. – The school quality and student success indicator shall be made up of the following measures:
1. Proficiency on the Biology end-of-course test.
  2. The percentage of students who complete Algebra II or Integrated Math III with a passing grade.
  3. The percentage of students who either (i) achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness or (ii) are enrolled in Career and Technical Education courses and score at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness.
  4. Repealed by Session Laws 2019-142, s. 2, effective July 19, 2019, and applicable to measures based on data from the 2018-2019 school year and each school year thereafter.

(b) Notwithstanding subsection (a) of this section and only for the purpose of conforming with ESSA, the State Board may label measures as indicators different from those described in subsection (a) of this section; provided that each measure shall be calculated in accordance with the requirements of G.S. 115C-83.15. (2017-57, s. 7.26(d); 2017-206, s. 1(b); 2019-142, s. 2.)

**§ 115C-83.17. Definitions.**

The following definitions apply in this Part:

- (1) Achievement score. – A numerical score on a scale of zero to 100 that is based on the sum of points earned by a school or by a subgroup of students pursuant to G.S. 115C-83.15.
- (2) Growth score. – A numerical score measuring student growth calculated for a school or for a subgroup of students pursuant to G.S. 115C-83.15.
- (3) Overall school performance grade. – The letter grade earned by a school for all students served by a school pursuant to G.S. 115C-83.15(d).
- (4) Overall school performance score. – The numerical score earned by a school that is calculated by adding the school achievement score and the school growth score earned by a school pursuant to G.S. 115C-83.15(d).
- (5) Subgroup performance grade. – The letter grade earned by a school for a subgroup of students served by the school pursuant to G.S. 115C-83.15(d2).
- (6) Subgroup performance score. – The numerical score earned by a school that is calculated by adding the subgroup achievement score and the subgroup growth score earned by a school pursuant to G.S. 115C-83.15(d2). (2017-57, s. 7.26(d).)

**Part 1C. (RESERVED)**

**§ 115C-83.30. Reserved for future codification purposes.**



Part 1D. High School Graduation.

**§ 115C-83.31. Exit standards and graduation requirements.**

(a) The State Board of Education shall require the following for high school graduation:

- (1) Successful completion of instruction in cardiopulmonary resuscitation as provided in G.S. 115C-81.25(c)(10).
- (2) A passing grade in the semester course on the Founding Principles of the United States of America and the State of North Carolina described in G.S. 115C-81.45(d)(1).
- (3) A passing grade in a computer science course as provided in G.S. 115C-81.90(c). The computer science course shall fulfill one credit that is not an English, mathematics, science, or social studies credit. Students enrolling in a public high school in this State after completion of the eleventh grade shall be exempt from this requirement.

(b) The following restrictions apply to the State Board of Education regarding certain graduation requirements:

- (1) The Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I.
- (2) The Board shall not require any student to prepare a high school graduation project as a condition of graduation from high school.
- (3) The Board shall not enforce a computer science graduation requirement for any student whose individualized education program states that the student's disability would prevent the student from completing that graduation requirement.

(c) The State Board of Education shall develop a sequence of courses that shall be available in all local school administrative units to allow a student to complete the credits required for graduation in a three-year period. The Board shall indicate on a student's transcript if the student graduates from a public high school within three years of entering the ninth grade. A local board of education shall not require any additional credits beyond those mandated by the Board for high school graduation. (2023-132, ss. 2.5(b), 2.6(b); 2023-134, s. 7.72(a).)

**§ 115C-83.32. High school diploma endorsements.**

(a) The State Board of Education shall establish, implement, and determine the impact of adding (i) college, (ii) career, and (iii) college and career endorsements to high school diplomas to encourage students to obtain requisite job skills necessary for students to be successful in a wide range of high-quality careers and to reduce the need for remedial education in institutions of higher education. The Board shall develop criteria for receiving a diploma endorsement under this subsection that address the following:

- (1) Courses completed by the student.
- (2) Overall grade point average.
- (3) Reading achievement, including the requirement that a student receive on a nationally norm-referenced college admissions test for reading, either administered under G.S. 115C-174.11(c)(4) or as an alternative nationally norm-referenced college admissions test approved by the Board, at least the

benchmark score established by the testing organization that represents the level of achievement required for students to have approximately a fifty percent (50%) chance of obtaining a grade B or higher or a seventy-five percent (75%) chance of obtaining a grade C or higher in a corresponding credit-bearing, first-year college course. A student may retake a nationally norm-referenced test as many times as necessary to achieve the required benchmark score for reading in order to receive a high school diploma endorsement prior to the student's graduation.

(4) Any additional criteria deemed necessary by the Board.

(b) The State Board of Education shall establish an arts proficiency high school diploma endorsement to encourage students to obtain a well-rounded, high-quality arts education. The Board shall create any form necessary for students to document their arts participation and shall provide this form to local boards of education. The Board shall develop criteria for receiving a diploma endorsement under this subsection that include the following:

(1) Completion of a minimum of four arts credits with an unweighted grade point average of 3.0 or higher in each arts credit completed by the student.

(2) Completion of a minimum of 40 hours of arts-related extracurricular activities. To receive credit for completing these hours, a student shall meet all of the following requirements:

a. The student participates in an arts-related extracurricular activity that is approved by the local board of education.

b. The student completes all of the required hours outside of instructional hours.

c. The student does not receive any course credit for participation in the activity.

d. The student documents the hours on the form provided by the Board to local boards of education.

(3) Any additional criteria deemed necessary by the Board.

(c) The State Board of Education shall establish a citizenship proficiency high school diploma endorsement to encourage students to demonstrate their understanding of the basics of the American government and civic life. The Board shall create any form necessary for students to document their civics participation and shall provide this form to governing bodies of local school administrative units. The Board shall develop criteria for receiving a diploma endorsement under this subsection that include at least a passing score on a civics test composed of questions from the pool of publicly available questions to be used for the civics test given by the U.S. Citizenship and Immigration Services (USCIS) as part of the naturalization interview and test issued by USCIS. The State Board shall determine the format of the civics test and the number of questions to be included in the civics test. The State Board shall require that all local school administrative units offer the civics test created pursuant to this subsection at least once per semester.

(d) The Board shall report annually to the Joint Legislative Education Oversight Committee on high school diploma endorsements as required by G.S. 115C-156.2. (2023-134, s. 7.72(a).)

## Part 2. Calendar.

**§ 115C-84: Repealed by Session Laws 1997-443, s. 8.38(a).**

**§ 115C-84.1: Repealed by Session Laws 1997-443, s. 1.**

**§ 115C-84.2. School calendar.**

(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

- (1) A minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months. The local board shall designate when the instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather, and may include the use of remote instruction in accordance with G.S. 115C-84.3.
- (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.
- (2) A minimum of 10 annual vacation leave days.
- (3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Human Resources Commission for State employees.
- (4) Repealed by Session Laws 2011-145, s. 7.29(a), effective July 1, 2011.
- (5) The remaining days scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purposes. Before consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards shall designate at least two days scheduled under subdivision (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivision (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

(a1) Report on School Start and Release Times. – As part of the reporting requirements under the Uniform Education Reporting System pursuant to G.S. 115C-12(18), each local board of

education shall report to the State Board of Education on the start time and release time for each school under control of the local board of education. For the purposes of this subsection, "start time" shall mean the time of day when academic classes begin for the majority of students enrolled in the school, and "release time" shall mean the time of day when academic classes end for the majority of students enrolled in the school. Each local board of education shall also identify and include additional information in the report regarding any schools that have a start time or release time that does not conform to the definitions set forth in this subsection.

(a2) Report on School Start and End Dates. – As part of the reporting requirements under the Uniform Education Reporting System pursuant to G.S. 115C-12(18), annually by April 1 each local board of education shall report to the Superintendent of Public Instruction and the State Board of Education on the start and end dates of the instructional calendar for students for the next academic year. The local board of education shall report this information for each school under the control of that board and shall identify the statutory exception authorizing an earlier start date for all schools that start earlier than the Monday closest to August 26.

(a3) The State Board of Education shall report annually no later than June 15 to the Joint Legislative Education Oversight Committee on the start and end dates for instructional calendars for the next academic year reported by local boards of education as provided in subsection (a2) of this section. The report shall identify all schools that start earlier than the Monday closest to August 26 and the statutory exception for the earlier start date.

(b) Limitations. – The following limitations apply when developing the school calendar:

- (1) The total number of teacher workdays for teachers employed for a 10-month term shall not exceed 195 days.
- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools. The month of November shall be designated "Veterans' History Awareness Month."

(c) Emergency Conditions. – During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall be no earlier than the Monday closest to August 26, and the closing date for students shall be no later than the Friday closest to June 11. On a showing of good cause, the State Board of Education may waive the requirement that the opening date for students be no earlier than the Monday closest to August 26 and may allow the local board of education to set an opening date no earlier than the Monday closest to August 19, to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit

in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(e) Nothing in this section prohibits a local board of education from offering supplemental or additional educational programs or activities outside the calendar adopted under this section.

(f) Definitions. – The following definitions shall apply in this section:

(1) Reserved.

(2) Reserved.

(3) Reserved.

(4) Reserved.

(5) Year-round school. – A school with a single- or multi-track instructional calendar to provide instructional days throughout the entire school calendar year, beginning July 1 and ending June 30, by utilizing at least one of the following plans:

a. A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.

b. A plan providing students be scheduled to attend four quarters of between 43 and 47 instructional days each school calendar year, with vacation periods for students of between 14 and 18 days separating each quarter.

c. A plan dividing the school calendar year into five nine-week sessions of classes and requiring each student to attend four assigned and staggered sessions out of the five nine-week sessions to complete the student's instructional year.

d. In a local school administrative unit with both single- and multi-track instructional calendars, a plan for a single-track instructional calendar that is identical to at least one track of a multi-track instructional calendar adopted by the local board that meets the requirements of either sub-subdivision a. or sub-subdivision c. of this subdivision. (1997-443, s. 8.38(c); 1998-212, s. 9.18(b); 1999-373, s. 1; 1999-463, Ex. Sess., s. 7A; 2003-8, s. 1; 2003-131, s. 1; 2004-180, s. 1; 2004-203, s. 44; 2006-264, s. 25; 2010-10, s. 1(a); 2010-114, s. 1; 2011-93, s. 1; 2011-145, ss. 7.13(c), (d), 7.29(a); 2011-391, s. 14(b); 2012-142, s. 7A.11(a); 2012-145, s. 2.5; 2013-382, s. 9.1(c); 2016-94, s. 8.24(a); 2017-65, s. 1; 2019-165, s. 4(a); 2020-81, s. 10(a); 2021-130, ss. 3(b), 9(a); 2022-59, s. 1(b); 2022-74, s. 7.13(b).)

### § 115C-84.3. Remote instruction.

(a) Remote instruction means instruction delivered to students in a remote location outside of the school facility, whether synchronously or asynchronously. Instructional days or hours provided through any of the following shall not be considered remote instruction:

(1) North Carolina Virtual Public School courses.

(2) E-learning courses that meet the requirements of G.S. 115C-238.85.

- (3) Institution of higher education courses, as provided in Article 16 of this Chapter or G.S. 115D-20(4).
- (4) Homebound instruction required for a student by an individualized education program, as defined in G.S. 115C-106.3(8), or a section 504 (29 U.S.C. § 794) plan.
- (5) Instruction provided to a student during a short- or long-term suspension.

(b) A public school unit in a county that has received a good cause waiver, as provided in G.S. 115C-84.2(d), 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 severe weather conditions, energy shortages, power failures, or other emergency situations and may use that time towards the required instructional days or hours for the school calendar. All other public school units may use up to five remote instruction days or 30 remote instruction hours when schools are unable to open due to severe weather conditions, energy shortages, power failures, or other emergency situations and may use that time towards the required instructional days or hours for the school calendar.

(c) Except as provided in Part 7 of Article 14A or Part 3A of Article 16 of this Chapter or subsection (b) of this section, a public school unit shall not use remote instruction to satisfy the minimum required number of instructional days or hours for the school calendar.

(d) A governing board that chooses to use remote instruction as provided in subsection (b) of this section shall submit to the State Board, by July 1 annually, a remote instruction plan that provides a detailed framework for delivering quality remote instruction to students for the upcoming school year and information on the number of remote instruction days or hours used in the prior school year to satisfy instructional requirements, when applicable. At a minimum, the plans submitted by governing boards shall include the following:

- (1) Identification of the resources that will be used to facilitate remote instruction.
- (2) Communication with and training opportunities for teachers, administrators, instructional support staff, parents, and students on how to access and effectively use remote instruction resources, including regular opportunities for students to use those resources during nonremote instructional days to ensure student success during remote instruction.
- (3) Establishment of methods for tracking and reporting attendance during remote instruction, including protocols for determining attendance, the reporting system to be used, and how attendance procedures will be communicated to parents before remote instruction begins.
- (4) Establishment of staff roles and expectations for remote instruction days, including teacher workdays, teacher accessibility, and noncertified staff workdays and responsibilities.
- (5) Communication of learning targets to students on each remote instruction day and development of measures to ensure that remote instruction time, practice, and application components support learning growth that continues towards mastery of the standard course of study.
- (6) Development of remote instruction options appropriate for teachers and students with limited connectivity capability, including the opportunity for students to download remote instruction materials in advance when practicable.
- (7) Provision of remote instruction for students with disabilities in a manner consistent with each student's individualized education program (IEP), as defined in G.S. 115C-106.3, or section 504 (29 U.S.C. § 794) plan. Remote

instruction supports shall be considered and included, as appropriate for the student, when an IEP or 504 plan is initially developed or at any subsequent review or revision of an IEP or 504 plan.

(e) The State Board of Education shall report by September 15 annually to the Joint Legislative Education Oversight Committee on the following information related to remote instruction:

- (1) A copy of each governing board's remote instruction plan.
- (2) A summary document of the following:
  - a. The number of remote instruction days or hours used by each public school unit in the prior school year.
  - b. Strengths, challenges, and trends noted by the State Board in its review of how governing boards implement remote instruction.
  - c. Any other data deemed by the State Board to be useful to the Joint Legislative Education Oversight Committee in evaluating the use and delivery of remote instruction in emergency circumstances. (2021-130, s. 3(a); 2022-59, s. 1(a), (b); 2022-74, s. 7.13(a), (b); 2023-134, s. 7.26(b).)

### Part 3. Textbooks.

#### **§ 115C-85. Textbook needs are determined by course of study.**

When the State Board of Education has adopted, upon the recommendation of the Superintendent of Public Instruction, a standard course of study at each instructional level in the elementary school and the secondary school, setting forth what subjects shall be taught at each level, it shall proceed to select and adopt textbooks.

As used in this part, "textbook" means systematically organized material comprehensive enough to cover the primary objectives outlined in the standard course of study for a grade or course. Formats for textbooks may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, and technology-based programs that require the use of electronic equipment in order to be used in the learning process.

Textbooks adopted in accordance with the provisions of this Part shall be used by the public schools of the State except as provided in G.S. 115C-98(b1). (1955, c. 1372, art. 24, s. 1; 1959, c. 693, s. 1; 1969, c. 519, s. 1; 1981, c. 423, s. 1; 1993 (Reg. Sess., 1994), c. 677, s. 20; 1995 (Reg. Sess., 1996), c. 716, s. 18.)

#### **§ 115C-86. State Board of Education to select and adopt textbooks.**

The Board shall select and adopt for a period determined to be most advantageous to the State public school system for the exclusive use in the public schools of North Carolina the basic textbooks or series of books needed for instructional purposes at each instructional level on all subject matter required by law to be taught in elementary and secondary schools of North Carolina. (1955, c. 1372, art. 24, s. 2; 1959, c. 693, s. 2; 1965, c. 584, s. 18; 1969, c. 519, s. 1; 1981, c. 423, s. 1.)

#### **§ 115C-87. Appointment of Textbook Commission.**

Shortly after assuming office, the Governor shall appoint a Textbook Commission of 23 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the

Superintendent. Five of these members shall be teachers or principals in grades K-5; five shall be teachers or principals in grades 6-8; four shall be superintendents, teachers, or principals in grades 9-12; one shall be a superintendent of a local school administrative unit, three shall be parents of students in grades K-5 at the time of appointment; three shall be parents of students in grades 6-8 at the time of appointment; and two shall be parents of students in grades 9-12 at the time of appointment. The Governor shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a chairman, subject to the approval of the Superintendent. The Commission shall meet four times a year or at the call of the chair. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the performance of their duties at the rates specified in G.S. 138-5(a). Compensation shall be paid from funds available to the State Board of Education. (1955, c. 1372, art. 24, s. 3; 1969, c. 519, s. 1; 1977, c. 1113; 1981, c. 423, s. 1; 1999-237, s. 8.30(a).)

#### **§ 115C-88. Commission to evaluate textbooks offered for adoption.**

(a) The Commission shall evaluate all textbooks offered for adoption.

Each proposed textbook shall be read by at least one expert certified in the discipline for which the textbook would be used. The Commission may use external experts if no Commission member or advisory committee member qualifies as an expert certified in a particular discipline.

The Commission may consider any review of a proposed textbook by other experts certified in the discipline who are not involved in the textbook adoption process. However, these reviews may not substitute for the direct examination of the proposed textbook by a Commission member, an advisory committee member, or any other expert retained by the Commission.

(b) Each member shall examine carefully and file a written evaluation of each proposed textbook for which the member is responsible.

The evaluation report shall give special consideration to the suitability of the textbook to the instructional level for which it is offered, the content or subject matter, whether the textbook is aligned with the Standard Course of Study, and other criteria prescribed by the Board.

Each evaluation report shall be signed by the member making the report and filed with the Board not later than a day fixed by the Board when the call for adoption is made. (1955, c. 1372, art. 24, s. 4; 1969, c. 519, s. 1; 1981, c. 423, s. 1; 1993 (Reg. Sess., 1994), c. 777, s. 3(a); 1999-237, s. 8.30(b).)

#### **§ 115C-89. Selection of textbooks by Board.**

At the next meeting of the Board after the reports have been filed, the Textbook Commission and the Board shall jointly examine the reports. From the books evaluated the Board shall select those that it thinks will meet the teaching requirements of the State public schools in the instructional levels for which they are offered. The Board shall request sealed bids from the publishers on all the books being considered.

The Board shall make all necessary rules and regulations concerning requests for bids, notification to publishers of calls for adoption, execution and delivery of contracts, requirement of performance bonds, cancellation clauses, and such other material matters as may affect the validity of the contracts. (1955, c. 1372, art. 24, s. 5; 1969, c. 519, s. 1; 1981, c. 423, s. 1; 1989, c. 798, s. 1.)

#### **§ 115C-90. Adoption of textbooks and contracts with publishers.**



The publishers' sealed bids shall be opened in the presence of two persons designated by the State Board of Education and one person designated by the Superintendent of Public Instruction. The Board may then adopt the books required by the courses of study and enter into contracts with the publisher of adopted books. It may refuse to adopt any of the books offered at the prices bid and call for new bids. When bids are accepted and a contract entered into, the contract may require, in the Board's discretion, that the total sales of each book in the State of North Carolina be reported annually to the Board.

All textbook contracts shall include a clause granting to the State Board of Education the license to produce Braille, large print, and audio-cassette tape copies of the textbooks for use in the State public schools. Also, the General Assembly urges the State Board of Education to request such a license from textbook publishers with whom a contract was entered into prior to August 1, 1987. (1955, c. 1372, art. 24, s. 6; 1969, c. 519, s. 1; 1981, c. 423, s. 1; 1983, c. 549, s. 1; 1987, c. 738, s. 190; 1987 (Reg. Sess., 1988), c. 1025, s. 10.)

#### **§ 115C-91. Continuance and discontinuance of contracts with publishers.**

When an existing or future contract expires, the Board may, with the publisher's approval, continue the contract for any particular book or books for a period not less than one or more than five years. If a publisher desires to terminate a contract that has been extended beyond the original contract period, he shall give notice to the Board 90 days prior to May 1. The Board may then proceed to a new adoption. (1955, c. 1372, art. 24, s. 7; 1969, c. 519, s. 1; 1981, c. 423, s. 1.)

#### **§ 115C-92. Procedure for change of textbook.**

The Superintendent may at any time communicate to the Board that a particular book is unsatisfactory for the schools, whereupon the Board may call for a new selection and adoption. If the Board votes to change a textbook, it shall give the publisher 90 days' notice prior to May 1, after which it may adopt a new book or books on the subject for which a book is sought. (1955, c. 1372, art. 24, s. 7; 1969, c. 519, s. 1; 1981, c. 423, s. 1.)

#### **§ 115C-93. Advice from and suits by Attorney General.**

The form and legality of contracts between the Board and publishers of textbooks shall be subject to the approval of the Attorney General.

When requested by the Board, the Attorney General shall bring suit against any publisher who fails to keep his contract as to prices, distribution, adequate supply of books in the edition adopted, or in any other way violates the terms of his contract. The suit shall be brought for an amount sufficient to enforce the contract or to compensate the State for any loss sustained by the publisher's failure to keep his contract. (1955, c. 1372, art. 24, s. 8; 1969, c. 519, s. 1; 1981, c. 423, s. 1.)

#### **§ 115C-94. Publishers to register.**

Any publisher who submits books for adoption shall register in the office of the Superintendent of Public Instruction the names of all agents or other employees authorized to represent that company in the State, and this registration list shall be open to the public for inspection. (1955, c. 1372, art. 24, s. 9; 1969, c. 519, s. 1; 1981, c. 423, s. 1.)

#### **§ 115C-95. Sale of books at lower price reduces price to State.**

Every contract made by the Board with the publisher of any school textbook on the State-adopted list shall be deemed to have written therein a condition providing that if that

publisher, during the life of his contract with this State, contracts with any other governmental unit or places that textbook on sale anywhere in the United States for a price less than that stipulated in his contract with the State of North Carolina, the publisher shall immediately furnish that textbook to this State at a price not greater than that for which the book is furnished, sold, or placed on sale anywhere else in the nation. (1955, c. 1372, art. 24, s. 10; 1969, c. 519, s. 1; 1981, c. 423, s. 1.)

**§ 115C-96. Powers and duties of the State Board of Education in regard to textbooks.**

The children of the public elementary and secondary schools of the State shall be provided with free basic textbooks within the appropriation of the General Assembly for that purpose. To implement this directive, the State Board of Education shall evaluate annually the amount of money necessary to provide textbooks based on the actual cost and availability of textbooks and shall request sufficient appropriations from the General Assembly.

The State Board of Education shall administer a fund and establish rules and regulations necessary to:

- (1) Acquire by contract such basic textbooks as are or may be on the adopted list of the State of North Carolina which the Board finds necessary to meet the needs of the State public school system and to carry out the provisions of this Part.
- (2) Provide a system of distribution of these textbooks and distribute the books that are provided without using any depository or warehouse facilities other than those operated by the State Board of Education.
- (3) Provide for the free use, with proper care and return, of elementary and secondary basic textbooks. The title of said books shall be vested in the State. (1955, c. 1372, art. 25, s. 1; 1965, c. 584, s. 19; 1969, c. 519, s. 1; 1981, c. 423, s. 1; 1991 (Reg. Sess., 1992), c. 900, s. 81(a).)

**§ 115C-97. State Board of Education authorized to discontinue handling supplementary and library books.**

The State Board of Education may discontinue the adoption of supplementary textbooks and, at the expiration of existing contracts, may discontinue the purchase, warehousing, and distribution of supplementary textbooks. The Board may also discontinue the purchase and resale of library books. Funds appropriated to the State Board of Education for supplementary textbooks shall be transferred to the State Public School Fund for allotment to each local school administrative unit, based on its average daily membership, for the purchase of supplementary textbooks, library books, periodicals, and other instructional materials. (1969, c. 519, s. 1; 1981, c. 423, s. 1.)

**§ 115C-98. Local boards of education to provide for local operation of the textbook program, the selection and procurement of other instructional materials, and the use of nonadopted textbooks.**

(a) Local boards of education shall adopt rules not inconsistent with the policies of the State Board of Education concerning the local operation of the textbook program.

(b) Local boards of education shall adopt written policies concerning the procedures to be followed in their local school administrative units for the selection and procurement of supplementary textbooks, library books, periodicals, audiovisual materials, and other supplementary instructional materials needed for instructional purposes in the public schools of their units.

Local boards of education shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day. Supplementary materials and contracts for supplementary materials are not subject to approval by the State Board of Education.

Supplementary books and other instructional materials shall neither displace nor be used to the exclusion of basic textbooks.

(b1) A local board of education may establish a community media advisory committee to investigate and evaluate challenges from parents, teachers, and members of the public to textbooks and supplementary instructional materials on the grounds that they are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students. The State Board of Education shall review its rules and policies concerning these challenges and shall establish guidelines to be followed by community media advisory committees.

The local board, at all times, has sole authority and discretion to determine whether a challenge has merit and whether challenged material should be retained or removed.

(b2) Local boards of education may:

- (1) Select, procure, and use textbooks that have not been adopted by the State Board of Education for use throughout the local school administrative unit for selected grade levels and courses; and
- (2) Approve school improvement plans developed under G.S. 115C-105.27 that include provisions for using textbooks that have not been adopted by the State Board of Education for selected grade levels and courses.

All textbook contracts made under this subsection shall include a clause granting to the local board of education the license to produce braille, large print, and audiocassette tape copies of the textbooks for use in the local school administrative unit.

(c) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the local school administrative units, may be used for the above-stated purposes. (1969, c. 519, s. 1; 1981, c. 423, s. 1; 1989 (Reg. Sess., 1990), c. 1074, s. 23(a); 1995 (Reg. Sess., 1996), c. 716, ss. 8.7, 19; 2011-145, s. 7.13(e); 2011-391, s. 14(b).)

#### **§ 115C-99. Legal custodians of textbooks furnished by State.**

Local boards of education are the custodians of all textbooks purchased by the local boards with State funds. They shall provide adequate and safe storage facilities for the proper care of these textbooks and emphasize to all students the necessity for proper care of textbooks. (1955, c. 1372, art. 25, s. 3; 1969, c. 519, s. 1; 1981, c. 423, s. 1; 1993 (Reg. Sess., 1994), c. 777, s. 3(b).)

#### **§ 115C-100. Rental fees for textbooks prohibited; damage fees authorized.**

No local board of education may charge any pupil a rental fee for the use of textbooks. A pupil's parents or legal guardians may be charged damage fees for abuse or loss of textbooks under rules adopted by the State Board of Education. All money collected from the sale of textbooks purchased with State funds under the provisions of this Part shall be paid annually as collected to the State Board of Education. (1969, c. 519, s. 1; 1981, c. 423, s. 1; 1983, c. 549, s. 2; 1985, c. 581, s. 1; 1993 (Reg. Sess., 1994), c. 777, s. 3(c).)

#### **§ 115C-101. Duties and authority of superintendents of local school administrative units.**

The superintendent of each local school administrative unit, as an official agent of the State Board of Education, shall administer the provisions of this Part and the rules and regulations of the Board insofar as they apply to his unit. The superintendent of each local school administrative unit shall have authority to require the cooperation of principals and teachers so that the children may receive the best possible service, and so that all the books and moneys may be accounted for properly. If any principal or teacher fails to comply with the provisions of this section, his superintendent shall withhold his salary vouchers until the duties imposed by this section have been performed.

If any superintendent fails to comply with the provisions of this section, the State Superintendent, as secretary to the State Board of Education, shall notify the State Board of Education and the State Treasurer. The State Board and the State Superintendent shall withhold the superintendent's salary vouchers, and the State Treasurer shall make no payment until the State Superintendent notifies him that the provisions of this section have been complied with. (1955, c. 1372, art. 25, s. 8; 1969, c. 519, s. 1; 1981, c. 423, s. 1.)

**§ 115C-102. Right to purchase; disposal of textbooks and materials.**

(a) Any parent, guardian, or person in loco parentis may purchase any instructional material needed for any child in the public schools of the State from the board of education of the local school administrative unit in which the child is enrolled or, in the case of basic textbooks, from the State Board of Education.

(b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other provision of law, the State Board of Education may adopt rules authorizing local boards of education to dispose of discontinued instructional material, including State-adopted textbooks. (1955, c. 1372, art. 25, s. 2; 1969, c. 519, s. 1; 1981, c. 423, s. 1; 1991, c. 328.)

**§§ 115C-102.1 through 115C-102.4. Reserved for future codification purposes.**

Part 3A. School Technology.

**§ 115C-102.5: Repealed by Session Laws 2021-90, s. 5(a), effective July 22, 2021.**

**§ 115C-102.6. Duty to propose a State school technology plan.**

The State Board of Education shall propose a State school technology plan that ensures the effective use of technology is built into the North Carolina Public School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century. (1993, c. 321, s. 135(a); 1993 (Reg. Sess., 1994), c. 769, s. 19.26(a); 2009-451, s. 7.31; 2021-90, s. 5(b).)

**§ 115C-102.6A. Elements of the State school technology plan.**

(a) The State school technology plan shall be a comprehensive State implementation plan for using funds from the State School Technology Fund and other sources to improve student performance in the public schools through the use of learning and instructional management technologies. The purpose of the plan shall be to provide a cost-effective foundation of flexible technology and infrastructure to promote substantial gains in student achievement.

(b) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009.

(c) Components of the State school technology plan shall include at least the following:

- (1) Common technical standards and uniform practices and procedures that provide statewide economies of scale in procurements, training, support, planning, and operations.
- (2) Conceptual technical architecture that includes:
  - a. Principles – Statements of direction, goals, and concepts to guide the development of technical architecture;
  - b. Standards for interoperability – Detailed specifications to ensure hardware, software, databases, and other products that may have been developed independently or purchased from different vendors or manufacturers will work together, to the extent that interoperability facilitates meeting instructional or administrative goals; and
  - c. Implementation strategies – Approaches or guidelines for developing and installing the components of the technical infrastructure.
- (3) A quality assurance policy for all school technology projects, training programs, systems documentation, and maintenance plans.
- (4) Policies and procedures for the fair and competitive procurement of school technology that provide local school administrative units with a vendor-neutral operating environment in which different school technology hardware, software, and networks operate together easily and reliably, to the extent feasible consistent with meeting instructional or administrative goals. The operating environment includes all hardware and software components and configurations necessary to accomplish the integrated functions for school technology such as (i) types and sizes of computer platforms, telecommunications equipment, and associated communications protocols; (ii) operating systems for the computer processors; (iii) applications and other operating and support software; and (iv) other equipment, items, and software, such as printers, terminals, data and image storage devices, and other input, output, and storage devices.
- (5) A comprehensive policy for inventory control.
- (6) Parameters for continuous, ongoing training for all personnel involved in the use of school technology. Training shall focus on the integration of technology and instruction and on the use of particular applications.
- (7) Recommendations to the State Board of Education of requirements for preservice teacher training on the integration of teaching and school technology.
- (8) Proposals for leadership training on the use of school technology to improve instruction and as a management tool.
- (9) Development of expertise at the State and regional levels on school technology.
- (10) Flexibility to enable local school administrative units and individual schools to meet individual school unit and building needs.
- (11) Flexibility to meet the needs of all students, allow support to students with a wide range of abilities, and ensure access to challenging curricula and instruction for children at risk of school failure.
- (12) Use of technologies to support challenging State, federal, and local educational performance goals.

- (13) Effective and integrated use of technologies compatible with (i) the standard course of study, (ii) the State assessment program, and (iii) related student data management.
- (14) Use of technologies as a communication, instructional, and management tool and for problem-solving, exploration, and advanced skills.
- (15) Proposals for addressing equipment needs for State curricula areas.
- (16) Specifications for minimum components of local school system technology plans.
- (17) A baseline template for:
  - a. Technology and service application infrastructure, including broadband connectivity, personnel recommendations, and other resources needed to operate effectively from the classroom desktop to local, regional, and State networks, and
  - b. An evaluation component that provides for local school administrative unit accountability for maintaining quality upgradeable systems. (1993 (Reg. Sess., 1994), c. 769, s. 19.26(b); 2005-276, s. 7.43(a); 2009-451, s. 7.31.)

**§ 115C-102.6B. Approval of State school technology plan.**

(a) The State Board of Education shall review, revise as needed, and approve the State School Technology Plan at a minimum every two years in the odd-numbered year, beginning in 2011. The plan shall be updated more often, as required, as in cases where significant changes occur related to Board goals, curriculum standards, and available technology.

(b) The Board shall submit the plan to the State Chief Information Officer for approval of the technical components of the plan set out in G.S. 115C-102.6A(1) through (4). At least one-fourth of the members of any technical committee that reviews the plan for the State Chief Information Officer shall be people actively involved in primary or secondary education.

(c) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009. (1993 (Reg. Sess., 1994), c. 769, s. 19.26(b); 1997-443, s. 8.26(b); 2004-129, s. 29; 2009-451, s. 7.31; 2009-570, s. 37; 2010-96, s. 13; 2014-115, s. 82; 2015-241, s. 8.25(c).)

**§ 115C-102.6C: Repealed by Session Laws 2011-145, 7.13(aa), effective July 1, 2011.**

**§ 115C-102.6D. Establishment of the State School Technology Fund; allocation and use of funds.**

(a) There is established under the control and direction of the State Board of Education the State School Technology Fund. This fund shall be a nonreverting special revenue fund consisting of any monies appropriated to it by the General Assembly and any monies credited to it under G.S. 20-81.12 from the sale of School Technology special license plates.

(b) Funds in the State School Technology Fund shall be allocated to local school administrative units as directed by the General Assembly. Funds allocated to each local school administrative unit shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

(c) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009.

(d) Repealed by Session Laws 2011-145, s. 7.13(bb), effective July 1, 2011. (1993 (Reg. Sess., 1994), c. 769, s. 19.26(b); 1997-484, s. 7; 2009-451, s. 7.31; 2011-145, s. 7.13(bb).)

**§ 115C-102.7. Monitoring and evaluation of State and local school system technology plans; reports.**

(a) The Department of Public Instruction shall monitor and evaluate the development and implementation of the State technology plan. The evaluation shall consider the effects of technology on student learning, the effects of technology on students' workforce readiness, the effects of technology on teacher productivity, and the cost-effectiveness of the technology.

(a1) Repealed by Session Laws 1997-18, s. 15(k).

(b) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009.

(c) Repealed by Session Laws 2011-145, s. 7.13(cc), effective July 1, 2011. (1993, c. 321, s. 135(a); 1993 (Reg. Sess., 1994), c. 769, s. 19.26(c); 1997-18, s. 15(k); 2004-129, s. 31; 2005-276, s. 7.43(c); 2009-451, s. 7.31; 2011-145, s. 7.13(cc).)

**§ 115C-102.8: Repealed by Session Laws 1997-18, s. 5.**

**§ 115C-102.9. Digital learning dashboard.**

(a) The State Board of Education shall establish and maintain an electronic dashboard to publicly display information related to digital learning. The State Board shall include in the dashboard, at a minimum, the following categories of information to be reported:

- (1) In-school digital device access, including the following information disaggregated by public school unit, school, and grade level:
  - a. Number and percentage of students with access to digital devices within the school.
  - b. Source of digital devices, such as the public school unit or the student's home.
  - c. Type of device.
- (2) Out-of-school digital device access, including the following information disaggregated by public school unit, school, and grade level:
  - a. Number and percentage of students with access to digital devices outside of the school.
  - b. Source of digital devices, such as the public school unit, the student's home, or both.
  - c. Type of device.
  - d. For homes with no devices, reason for lack of devices.
- (3) Out-of-school internet connectivity, including the following information disaggregated by public school unit, school, and grade level:
  - a. Number and percentage of students with internet connectivity outside of the school available by the following categories:
    1. Students with connectivity at home.
    2. Students without connectivity at home but who have regular and reliable access to other sources of connectivity.
  - b. For students without home connectivity, primary source for internet connectivity outside of the school.
  - c. Type of connectivity, such as broadband, satellite, or dial-up.
  - d. For homes with no connectivity, reason for lack of connectivity.

(b) Each public school unit shall annually submit all categories of information included in the digital learning dashboard no later than November 15. For subdivisions (2) and (3) of subsection (a) of this section, residential schools shall report on access and connectivity separately for the dormitories and the student's home.

(c) The State Board of Education shall annually report to the Joint Legislative Education Oversight Committee by February 15 on statewide trends reflected in the digital learning dashboard, successes and continued challenges in ensuring all students have digital learning access both in and out of school, and recommendations on ways to continue to close the digital learning accessibility gap. (2021-180, s. 7.61(a).)

Part 3B. Technology Alliance.

**§ 115C-102.15: Repealed by Session Laws 2009-451, s. 7.15(a), effective July 1, 2009.**

Part 4. Fees.

**§ 115C-103. Fees.**

Fees, charges and costs may be collected from students, their parents or guardians, and school personnel in accordance with the provisions of G.S. 115C-47(6). (1981, c. 423, s. 1; 1985, c. 581, s. 2.)

Part 5. Interstate Compact on Education.

**§ 115C-104. Enactment of Compact.**

The Compact for Education is hereby entered into and enacted into law, with all jurisdictions legally joining therein. Pursuant to Article III(9) of the Compact, the commission shall file a copy of its bylaws and any amendment thereto with the Secretary of State of North Carolina. The form of the Compact is substantially as follows:

**COMPACT FOR EDUCATION.**

Article I. Policy and Purpose.

It is the purpose of this Compact to:

- (1) Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.
- (2) Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.
- (3) Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.
- (4) Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advances in educational opportunities, methods and facilities.



- (5) It is the policy of this Compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.
- (6) The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because of the products and services contributing to the health, welfare and economic advancement of each state which are supplied in significant part by persons educated in other states.

## Article II. State Defined.

As used in this Compact, "state" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

## Article III. The Commission.

- (1) The education commission of the states, hereinafter called "the commission," is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed 10 nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.
- (2) The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at

which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(10).

- (3) The commission shall have a seal.
- (4) The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.
- (5) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.
- (6) The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.
- (7) The commission may accept for any of its purposes and functions under this Compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (6) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.
- (8) The commission may establish and maintain such facilities as may be necessary for the transaction of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.
- (9) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.
- (10) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding

year. The commission may make such additional reports as it may deem desirable.

#### Article IV. Powers.

In addition to authority conferred on the commission by other provisions of the Compact, the commission shall have authority to:

- (1) Collect, correlate, analyze and interpret information and data concerning educational needs and resources.
- (2) Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.
- (3) Develop proposals for adequate financing of education as a whole and at each of its many levels.
- (4) Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this Compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.
- (5) Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.
- (6) Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this Compact.

#### Article V. Cooperation with Federal Government.

- (1) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representatives shall have a vote on the commission.
- (2) The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

#### Article VI. Committees.

- (1) To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to the provisions of this Compact and consistent with the policies

of the commission, shall be constituted and function as provided in the bylaws of the commission. One fourth of the voting membership of the steering committee shall consist of governors, one fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: 16 for one year and 16 for two years. The chairman, vice-chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

- (2) The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.
- (3) The commission may establish such additional committees as its bylaws may provide.

#### Article VII. Finance.

- (1) The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.
- (2) The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.
- (3) The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(7) of this Compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III(7) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.
- (4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit

and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

- (5) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.
- (6) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### Article VIII. Eligible Parties' Entry into and Withdrawal.

- (1) This Compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this Compact, shall mean the closest equivalent official of such jurisdiction.
- (2) Any state or other eligible jurisdiction may enter into this Compact and it shall become binding thereon when it has adopted the same: Provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.
- (3) Adoption of the Compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this Compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.
- (4) Except for a withdrawal effective on December 31, 1967, in accordance with paragraph (3) of this article, any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

#### Article IX. Construction and Severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the

constitution of any state participating therein, the Compact shall remain in full force and effect as to the state affected as to all severable matters. (1967, c. 1020; 1981, c. 423, s. 1; 1991, c. 369, s. 1.)

**§ 115C-105: Repealed by Session Laws 1991, c. 369, s. 2.**