

SECTION 11.4.(e1) G.S. 116-291, as enacted by subsection (e) of this section, becomes effective July 1, 2016. The remainder of subsection (e) of this section becomes effective beginning with the 2017 fall academic semester so that students may be nominated for the scholarship during the 2017-2018 academic year, and recipients of the scholarship may enroll to begin a course of study at the constituent institution beginning with the 2018 fall academic semester.

SECTION 11.4.(f) Scope. – Subsections (a) through (d) of this section do not apply to high schools governed by The University of North Carolina General Administration.

SECTION 11.4.(f1) Effective Date. – Except as provided otherwise, this section is effective when it becomes law and applies to the 2016 fall academic semester and each subsequent academic semester.

DISCLOSURE OF STUDENT DATA AND RECORDS BY PRIVATE INSTITUTIONS OF HIGHER EDUCATION/LIABILITY PROTECTION

SECTION 11.5. G.S. 116-229.1(a) reads as rewritten:

"(a) A private college or university that discloses personally identifiable information in student data or records according to the terms of a written agreement with a State agency, local school administrative unit, community college, constituent institution of The University of North Carolina, or the North Carolina Independent Colleges and Universities, Inc., in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, shall not be liable for a breach of confidentiality, disclosure, use, retention, or destruction of the student data or records if the breach, disclosure, use, retention, or destruction results from actions or omissions of either (i) the North Carolina Independent Colleges and Universities, Inc., the State agency, local school administrative unit, community college, or constituent institution of The University of North Carolina to which the data was provided or (ii) persons provided access to the data or records by those entities."

UNC TEACHER AND PRINCIPAL PREPARATION PROGRAM LAB SCHOOL FOR K-8 STUDENTS

SECTION 11.6.(a) Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 29A.

"University of North Carolina Laboratory Schools.

"§ 116-239.5. University of North Carolina laboratory schools; purpose.

(a) The Board of Governors, in consultation with the constituent institutions of The University of North Carolina with educator preparation programs, shall designate eight constituent institutions to establish laboratory schools to serve public school students in accordance with the provisions of this Article. The Board of Governors shall select eight constituent institutions with quality educator preparation programs as demonstrated by the annual performance measures reported by the constituent institutions in accordance with G.S. 115C-296.13.

(b) The mission of a laboratory school shall be to improve student performance in local school administrative units with low-performing schools by providing an enhanced education program for students residing in those units and to provide exposure and training for teachers and principals to successfully address challenges existing in high-needs school settings. A laboratory school shall provide an opportunity for research, demonstration, student support, and expansion of the teaching experience and evaluation regarding management, teaching, and learning.

(c) Each laboratory school shall expand student opportunities for educational success through high-quality instructional programming and innovative instruction and research by using the resources available to the constituent institution. Each constituent institution operating a laboratory school shall incorporate best practices gained from State initiatives focused on

leadership development for both teachers and principals in low-performing schools and local school administrative units.

(d) Except as otherwise provided in this Article, a laboratory school is exempt from statutes and rules applicable to a local board of education or local school administrative unit.

"§ 116-239.6. Definitions.

The following definitions apply in this Article:

- (1) Advisory board. – An advisory board established by the board of trustees under G.S. 116-239.8.
- (2) Board of trustees. – The board of trustees of a constituent institution that is the governing body of the lab school established under this Article.
- (3) Constituent institution. – A constituent institution of The University of North Carolina with an educator preparation program that has been designated by the Board of Governors to establish a laboratory school under G.S. 116-239.5.
- (4) Laboratory school or lab school. – A public school created under G.S. 116-239.7 that (i) is located in a local school administrative unit that has twenty five percent (25%) or more of the schools located in the unit identified as low-performing under G.S. 115C-105.37 and (ii) serves students in kindergarten through eighth grade.
- (5) Principal. – The principal of a lab school.

"§ 116-239.7. Plan for the location of lab schools; creation of a lab school; dissolution.

(a) Plan for the Location of Lab Schools. – The Board of Governors, in collaboration with the boards of trustees of the constituent institutions, shall adopt a plan for the location of the lab schools in local school administrative units that meet the minimum threshold for the number of low-performing schools located in the units under G.S. 116-239.6(4). The plan shall include a geographically diverse distribution of the lab schools throughout the State and a maximum of one lab school located in a qualifying local school administrative unit. The Board of Governors shall update the plan as necessary to reflect any changes to the status of a constituent institution operating a lab school and the status of qualifying local school administrative units at the end of the term of operation of a lab school. A constituent institution shall not adopt a resolution to create a lab school under this section prior to receiving approval from the Board of Governors on the location of the lab school. At least 90 days prior to implementation, the Board of Governors shall submit the plan and any revisions to the plan to the Joint Legislative Commission on Governmental Operations.

(b) Resolution to Create a Lab School. – The board of trustees of a constituent institution shall adopt a resolution stating its intent to create a lab school, which shall include the following:

- (1) Name of the lab school.
- (2) The local school administrative unit in which the lab school shall be located.
The local school administrative unit in which the lab school is located shall meet the requirement under G.S. 116-239.6(4) that twenty-five percent (25%) or more of the schools located in the unit are identified as low-performing under G.S. 115C-105.37 at the time the resolution is adopted. However, the board of trustees shall continue to operate the lab school within the local school administrative unit for at least five years as provided under subdivision (3) of this subsection regardless of whether the local school administrative unit continues to qualify under G.S. 116-239.6(4).
- (3) A term of operation for the lab school of five years from the date of initial operation. At the end of five years of operation, if the lab school is still located in a local school administrative unit that has twenty-five percent (25%) or more of the schools located in the unit identified as low-performing under G.S. 115C-105.37, the resolution may be renewed by the constituent institution at the end of the term for an additional five years. If the lab school is no longer

located in a qualifying local school administrative unit at the end of five years, the board of trustees shall notify the Board of Governors to request consultation on determining the location of creating a new lab school in accordance with subsection (a) of this section and the provisions of this Article.

(c) Recognition of a Lab School. – Each board of trustees that adopts a resolution as provided in this section shall file a copy of the resolution with the State Board of Education. Upon receipt of a resolution from a board of trustees for a named lab school, the State Board of Education shall approve the creation of the lab school.

(d) Dissolution or Assumption of a Lab School. – In the event of the potential dissolution of a lab school at the end of the term of the school's operation or due to the termination of an educator preparation program at the constituent institution, subject to approval by the Board of Governors, the board of trustees shall adopt a plan for the dissolution or the assumption of the lab school by a new entity. A local board of education of the local school administrative unit in which the lab school is located may transition the lab school to a public school under the governance of the local board or, if the local school administrative unit still qualifies under G.S. 116-239.6(4), the board of trustees of another constituent institution with an educator preparation program may assume operation of the lab school. If the lab school is dissolved or a local board of education assumes operation of the school, all net assets of the lab school purchased with public funds shall be deemed property of the local school administrative unit in which the lab school is located. The State Board of Education shall be notified in the event of the dissolution or assumption of a lab school, including the identity of the entity assuming operation of the school.

"§ 116-239.8. Board of trustees; powers and duties.

The board of trustees shall have the following powers and duties:

(1) Advisory board. – A board of trustees shall appoint an advisory board to provide general oversight and guidance to the board of trustees of the lab school as follows:

a. Composition of the advisory board.– The dean of the constituent institution's educator preparation program shall be a standing member of the advisory board and the board of trustees, upon recommendation of the president of the constituent institution, shall appoint four faculty members from the institution, at least two of whom are from the educator preparation program, one public member who resides in the local school administrative unit in which the lab school is located, two parents or guardians of students who attend the lab school, and one lab school student appointed by the principal to serve on the advisory board. The term of each member shall be for two years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. The board of trustees shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than two members in any year. The board of trustees shall call the organizational meeting of the advisory board. The advisory board shall annually elect a chair and a vice-chair. There shall be no limitation on successive appointments to the advisory board or successive terms that may be served by a chair or vice-chair. The advisory board shall adopt internal organizational procedures or bylaws necessary for efficient operation. Advisory board members shall not receive per diem or travel expenses for the performance of their duties.

b. The advisory board shall meet at least quarterly and shall have the following duties:

1. Monitor the operations of the lab school and the distribution of moneys allocated for such operations.
 2. Recommend to the board of trustees necessary policy, program, and administration modifications.
 3. Evaluate biennially the performance of the principal and recommend corresponding action to the board of trustees.
 4. Annually review evaluations of the lab school's operation and research findings.
- (2) Academic program. –
- a. The board of trustees shall establish the standard course of study for the lab school. This course of study shall set forth the subjects to be taught in each grade and the texts and other educational materials on each subject to be used in each grade. The board of trustees shall design its programs to meet at least the student performance standards adopted by the State Board of Education and the student performance standards contained in Chapter 115C of the General Statutes.
 - b. The board of trustees shall conduct student assessments required by the State Board of Education.
 - c. The board of trustees shall adopt a school calendar consisting of a minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months.
- (3) Standards of performance and conduct. – The board of trustees shall establish policies and standards for academic performance, attendance, and conduct for students of the lab school. The policies of the board of trustees shall comply with Article 27 of Chapter 115C of the General Statutes.
- (4) Food and transportation services. – The local school administrative unit in which the lab school is located shall continue to provide food services and transportation to students attending the lab school. The board of trustees shall arrange for the provision of these services from the local school administrative unit.
- (5) School attendance. – Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the lab school and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time that the lab school shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the lab school. Any person who aids or abets a student's unlawful absence from the lab school shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the board of trustees, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling.
- (6) Reporting. – The board of trustees shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
- (7) Assessment results. – The board of trustees shall provide data to the local school administrative unit on the performance of that student on any testing required by the State Board of Education.
- (8) Education of children with disabilities. – The board of trustees shall require compliance with laws and policies relating to the education of children with disabilities.

- (9) Health and safety. – The board of trustees shall require that the lab school meet the same health and safety standards required of a local school administrative unit. The Department of Public Instruction shall ensure that lab schools comply with G.S. 115C-375.2A. The board of trustees of a lab school shall provide the school with a supply of emergency epinephrine auto-injectors necessary to carry out the provisions of G.S. 115C-375.2A.
- (10) School Risk Management Plan. – Each lab school, in coordination with local law enforcement agencies, is encouraged to adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, a lab school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.
- (11) Schematic diagrams and school crisis kits. – Lab schools are encouraged to provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- (12) School safety exercises. – At least once a year, a lab school is encouraged to hold a full schoolwide lockdown exercise with local law enforcement and emergency management agencies that are part of the lab school's SRMP.
- (13) Safety information provided to the Department of Public Safety, Division of Emergency Management. – A lab school is encouraged to provide the following: (i) schematic diagrams, including digital schematic diagrams and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.
- (14) North Carolina school report cards. – A lab school shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. A lab school shall ensure that the overall school performance score and grade earned by the lab school for the current and previous four school years is prominently displayed on the school Web site. If a lab school is awarded a grade of D or F, the lab school shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school.
- (15) Policy against bullying. – A lab school is encouraged to adopt a policy against bullying or harassing behavior, including cyberbullying, that is consistent with the provisions of Article 29C of Chapter 115C of the General Statutes. If a lab school adopts a policy to prohibit bullying and harassing behavior, the lab school shall, at the beginning of each school year, provide the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8).
- (16) Access for youth groups. – Lab schools are encouraged to facilitate access for students to participate in activities provided by any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day for the purposes of encouraging civic education.

"§ 116-239.9. Student admissions and assignment.

1 (a) Any child who is residing in a local school administrative unit in which a lab school is
2 located and is enrolled in a low-performing school, as defined by G.S. 115C-105.37 at the time of
3 the student's application, may attend the lab school.

4 (b) No local board of education shall require any student enrolled in the local school
5 administrative unit to attend a lab school.

6 (c) During each period of enrollment, the lab school shall enroll an eligible student who
7 submits a timely application, with priority enrollment given in the order in which applications are
8 received to a student who did not meet expected student growth in the prior school year based on
9 any of the following: (i) grades, (ii) observations, (iii) diagnostic and formative assessments, (iv)
10 State assessments, or (v) other factors, including reading on grade level. If the number of
11 applications from other eligible students exceeds the capacity of a program, class, grade level, or
12 building, those students shall be accepted by lot. Once enrolled, students are not required to
13 reapply in subsequent enrollment periods.

14 (d) Notwithstanding any law to the contrary, a lab school may refuse admission to any
15 student who has been expelled or suspended from a public school under G.S. 115C-390.5 through
16 G.S. 115C-390.11 until the period of suspension or expulsion has expired.

17 **"§ 116-239.10. Employees.**

18 The board of trustees shall appoint all licensed and nonlicensed staff in accordance with the
19 following:

20 (1) Principal. – The constituent institution shall employ and contract with a
21 principal for a term not to exceed three years. The principal shall meet the
22 requirements for licensure set out in G.S. 115C-284, unless waived by the State
23 Board of Education upon submission of a request by the board of trustees. The
24 principal shall be responsible for school operations and shall exercise those
25 duties and powers delegated by the board of trustees.

26 (2) Faculty members. – Faculty members may serve simultaneously as instructional
27 personnel for the lab school and the constituent institution.

28 (3) Teachers. – The constituent institution shall employ and contract with necessary
29 teachers to perform the particular service for which they are employed in the
30 school. At least fifty percent (50%) of teachers employed by the constituent
31 institution shall hold teacher licenses, unless waived by the State Board of
32 Education upon submission of a request by the board of trustees.

33 (4) Leave of absence from local school administrative unit. – If a teacher employed
34 by a local school administrative unit makes a written request for a leave of
35 absence to teach at the lab school, the local school administrative unit shall
36 grant the leave for one year. For the initial year of the lab school's operation, the
37 local school administrative unit may require that the request for a leave of
38 absence be made up to 45 days before the teacher would otherwise have to
39 report for duty. After the initial year of the lab school's operation, the local
40 school administrative unit may require that the request for a leave of absence be
41 made up to 90 days before the teacher would otherwise have to report for duty.
42 A local board of education is not required to grant a request for a leave of
43 absence or a request to extend or renew a leave of absence for a teacher who
44 previously has received a leave of absence from that local board under this
45 subdivision. A teacher who has career status under G.S. 115C-325 prior to
46 receiving a leave of absence to teach at the lab school may return to a public
47 school in the local school administrative unit with career status at the end of the
48 leave of absence or upon the end of employment at the lab school if an
49 appropriate position is available. If an appropriate position is unavailable, the
50 teacher's name shall be placed on a list of available teachers in accordance with
51 G.S. 115C-325(e)(2).

- (5) Nonlicensed employees. – The constituent institution also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services.
- (6) Employment dismissal. – An employee of the constituent institution is not an employee of the local school administrative unit in which the lab school is located. The constituent institution may discharge licensed and nonlicensed employees according to the terms of the employment contract.
- (7) Employee benefits. – Employees of the constituent institution shall participate in the Teachers' and State Employees' Retirement System and the State Health Plan on the same terms as other employees employed by the constituent institution.
- (8) Exemptions. – Employees of the constituent institution shall be exempt from Chapter 126 of the General Statutes, except Articles 6 and 7.

"§ 116-239.11. State and local funds.

- (a) The State Board of Education shall allocate to a lab school the following:
- (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the school is located for each child attending the lab school, except for the allocation for children with disabilities and for the allocation for children with limited English proficiency.
- (2) An additional amount for each child attending the lab school who is a child with disabilities. In the event a child with disabilities leaves the lab school and enrolls in a public school during the first 60 school days in the school year, the lab school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with disabilities enrolls in the lab school during the first 60 school days in the school year, the State Board shall allocate to the lab school the pro rata amount of additional funds for children with disabilities.
- (3) An additional amount for children with limited English proficiency attending the lab school, based on a formula adopted by the State Board.
- (b) The State Board shall allow for annual adjustments to the amount allocated to the lab school based on its enrollment growth in school years subsequent to the initial year of operation.
- (c) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for lab schools and may be used for payments on loans made to lab schools for facilities, equipment, or operations. However, State funds allocated under this section shall not be used to obtain any other interest in real property or mobile classroom units.
- (d) If a student attends a lab school, the local school administrative unit in which the child resides shall transfer to the lab school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the lab school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and lab school may use the process for mediation of differences provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a lab school located in the tax district for which these taxes are levied and in which the student resides.
- (e) The local school administrative unit shall also provide each lab school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (d) of this section:

- (1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).
- (2) The student membership numbers used to calculate the per pupil share of the local current expense fund.
- (3) How the per pupil share of the local current expense fund was calculated.
- (4) Any additional records requested by a lab school from the local school administrative unit in order for the lab school to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.
- (f) Prior to commencing an action under subsection (d) of this section, the complaining party shall give the other party 15 days' written notice of the alleged violation. The court shall award the prevailing party reasonable attorneys' fees and costs incurred in an action under subsection (d) of this section. The court shall order any delinquent funds, costs, fees, and interest to be paid in equal monthly installments and shall establish a time for payment in full that shall be no later than one year from the entry of any judgment.

"§ 116-239.12. Criminal history record checks.

(a) As used in this section:

- (1) "Criminal history" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an individual (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.
- (2) "School personnel" means any of the following:
- a. Member of the board of trustees or the advisory board.
 - b. Employee of the lab school.
 - c. Independent contractor or employee of an independent contractor of the lab school if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of the lab school.

1 (b) The board of trustees shall adopt a policy that requires an applicant for a school
2 personnel position to be checked for a criminal history as provided in subsection (c) of this
3 section. The board of trustees shall apply its policy uniformly in requiring applicants for school
4 personnel positions to be checked for a criminal history. The board of trustees may grant
5 conditional approval of an application while the board of trustees is checking a person's criminal
6 history and making a decision based on the results of the check. An applicant for a school
7 personnel position shall not be required to be checked for a criminal history if he or she has
8 received a license within six months of employment that required a criminal history check
9 equivalent to the criminal history check required in subsection (c) of this section.

10 The board of trustees shall not require an applicant to pay for the criminal history record check
11 authorized under this section.

12 (c) The board of trustees shall require the person to be checked by the Department of
13 Public Safety (i) to be fingerprinted and to provide any additional information required by the
14 Department of Public Safety to a person designated by the board of trustees or to the local sheriff
15 or the municipal police, whichever is more convenient for the person and (ii) to sign a form
16 consenting to the check of the criminal record and to the use of fingerprints and other identifying
17 information required by the repositories. The board of trustees shall consider refusal to consent
18 when making employment decisions and decisions with regard to independent contractors. The
19 fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search
20 of the State criminal history record file, and the State Bureau of Investigation shall forward a set of
21 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
22 The Department of Public Safety shall provide to the board of trustees the criminal history from
23 the State and National Repositories of Criminal Histories of any school personnel for which the
24 board of trustees requires a criminal history record check.

25 The board of trustees shall not require school personnel to pay for fingerprints authorized
26 under this section.

27 (d) The board of trustees shall review the criminal history it receives on an individual. The
28 board of trustees shall determine whether the results of the review indicate that the individual (i)
29 poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she
30 does not have the integrity or honesty to fulfill his or her duties as school personnel and shall use
31 the information when making employment decisions and decisions with regard to independent
32 contractors. The board of trustees shall make written findings with regard to how it used the
33 information when making employment decisions and decisions with regard to independent
34 contractors. The board of trustees may delegate any of the duties in this subsection to the principal.

35 (e) The board of trustees, or the principal if designated by the board of trustees, shall
36 provide to the State Board of Education the criminal history it receives on a person who is
37 certificated, certified, or licensed by the State Board of Education. The State Board of Education
38 shall review the criminal history and determine whether the person's certificate or license should
39 be revoked in accordance with State laws and rules regarding revocation.

40 (f) All the information received by the board of trustees through the checking of the
41 criminal history or by the State Board of Education in accordance with this section is privileged
42 information and is not a public record but is for the exclusive use of the board of trustees or the
43 State Board of Education. The board of trustees or the State Board of Education may destroy the
44 information after it is used for the purposes authorized by this section after one calendar year.

45 (g) There shall be no liability for negligence on the part of the board of trustees, or its
46 employees, or the State Board of Education, or its employees, arising from any act taken or
47 omission by any of them in carrying out the provisions of this section. The immunity established
48 by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing
49 that would otherwise be actionable. The immunity established by this subsection shall be deemed
50 to have been waived to the extent of indemnification by insurance, indemnification under Articles
51 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is

waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(h) Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor.

"§ 116-239.13. Review of lab schools.

The Board of Governors of The University of North Carolina, in conjunction with the constituent institutions operating lab schools and the State Board of Education, shall review and evaluate the educational effectiveness of the lab schools authorized under this Article for both public school students and students enrolled in educator preparation programs. The Board of Governors shall report by November 15 of each year to the Joint Legislative Education Oversight Committee on the following:

- (1) Information on public school student enrollment in each lab school, including student demographics.
- (2) The public school student admissions process and the number of students enrolled under the priority admissions category at each lab school.
- (3) Public school student achievement data, including school performance grades and student achievement scores and student growth, at each lab school.
- (4) Public school student academic progress in each lab school as measured against the previous school year and against other schools located in the local school administrative unit and statewide.
- (5) Information on the student outcomes for students who are enrolled in each educator preparation program who obtained clinical experience in school leadership and teaching in the lab schools, including the performance elements reported under G.S. 115C-296.13(b).
- (6) Best practices resulting from lab school operations.
- (7) Other information the Board considers appropriate."

SECTION 11.6.(b) G.S. 14-458.2(a) reads as rewritten:

"(a) The following definitions apply in this section:

- (1) School employee. – The term means any of the following:
 - a. An employee of a local board of education, a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a lab school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.
 - b. An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a lab school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school.
- (2) Student. – A person who has been assigned to a school by a local board of education as provided in G.S. 115C-366 or has enrolled in a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a lab school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of those schools within the last year."

SECTION 11.6.(c) G.S. 115C-83.15 reads as rewritten:

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

1 ...
2 (b) Calculation of the School Achievement Score. – In calculating the overall school
3 achievement score earned by schools, the State Board of Education shall total the sum of points
4 earned by a school on all of the following indicators that are measured for that school:

- 5 (1) One point for each percent of students who score at or above proficient on
6 annual assessments for mathematics in grades three through eight.
- 7 (2) One point for each percent of students who score at or above proficient on
8 annual assessments for reading in grades three through eight.
- 9 (3) One point for each percent of students who score at or above proficient on
10 annual assessments for science in grades five and eight.
- 11 (4) One point for each percent of students who score at or above proficient on the
12 Algebra I or Integrated Math I end-of-course test.
- 13 (5) One point for each percent of students who score at or above proficient on the
14 English II end-of-course test.
- 15 (6) One point for each percent of students who score at or above proficient on the
16 Biology end-of-course test.
- 17 (7) One point for each percent of students who complete Algebra II or Integrated
18 Math III with a passing grade.
- 19 (8) One point for each percent of students who achieve the minimum score
20 required for admission into a constituent institution of The University of North
21 Carolina on a nationally normed test of college readiness.
- 22 (9) One point for each percent of students enrolled in Career and Technical
23 Education courses who meet the standard when scoring at Silver, Gold, or
24 Platinum levels on a nationally normed test of workplace readiness.
- 25 (10) One point for each percent of students who graduate within four years of
26 entering high school.

27 In calculating the overall school achievement score earned by schools, the State Board of
28 Education shall (i) use a composite approach to weigh the achievement elements based on the
29 number of students measured by any given achievement element and (ii) proportionally adjust the
30 scale to account for the absence of a school achievement element for award of scores to a school
31 that does not have a measure of one of the school achievement elements annually assessed for the
32 grades taught at that school. The overall school achievement score shall be translated to a
33 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1.,
34 115C-218.65, ~~and 115C-238.66.~~ 115C-238.66, and 116-239.8.

35 (c) Calculation of the School Growth Score. – Using EVAAS, the State Board shall
36 calculate the overall growth score earned by schools. In calculating the total growth score earned
37 by schools, the State Board of Education shall weight student growth on the achievement
38 indicators as provided in subsection (b) of this section that have available growth values. The
39 numerical values used to determine whether a school has met, exceeded, or has not met expected
40 growth shall be translated to a 100-point scale and used for school reporting purposes as provided
41 in G.S. 115C-12(9)c1., 115C-218.65, ~~and 115C-238.66.~~ 115C-238.66, and 116-239.8.

42 (d) Calculation of the School Performance Scores and Grades. – The State Board of
43 Education shall use EVAAS to calculate the school performance score by adding the school
44 achievement score, as provided in subsection (b) of this section, and the school growth score, as
45 provided in subsection (c) of this section, earned by a school. The school achievement score shall
46 account for eighty percent (80%), and the school growth score shall account for twenty percent
47 (20%) of the total sum. If a school has met expected growth and inclusion of the school's growth
48 score reduces the school's performance score and grade, a school may choose to use the school
49 achievement score solely to calculate the performance score and grade. For all schools, the total
50 school performance score shall be converted to a 100-point scale and used to determine a school
51 performance grade based on the following scale:

- (1) A school performance score of at least 90 is equivalent to an overall school performance grade of A.
- (2) A school performance score of at least 80 is equivalent to an overall school performance grade of B.
- (3) A school performance score of at least 70 is equivalent to an overall school performance grade of C.
- (4) A school performance score of at least 60 is equivalent to an overall school performance grade of D.
- (5) A school performance score of less than 60 points is equivalent to an overall school performance grade of F.

(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, ~~and 115C-238.66.~~ 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, ~~and 115C-238.66.~~ 115C-238.66, and 116-239.8."

SECTION 11.6.(d) Notwithstanding G.S. 116-239.5, four lab schools shall be established pursuant to Article 29A of Chapter 116 of the General Statutes, as enacted by this section, to begin operation in the 2017-2018 school year. Four additional lab schools shall be established to begin operation in the 2018-2019 school year.

SECTION 11.6.(e) Notwithstanding G.S. 116-239.7(a), as enacted by this section, by November 1, 2016, the Board of Governors of The University of North Carolina shall submit the plan for the location of the eight lab schools, including identifying the constituents institutions that will be operating the lab schools, to the Joint Legislative Commission on Governmental Operations in accordance with G.S. 116-239.7(a).

Notwithstanding Article 29A of Chapter 116 of the General Statutes, as enacted by this section, no earlier than April 1, 2017, a constituent institution of The University of North Carolina with an educator preparation program that has been designated by the Board of Governors to establish a lab school shall adopt a resolution to create the lab school under G.S. 116-239.7 and in accordance with subsection (d) of this section.

SECTION 11.6.(f) The nonrecurring funds in the amount of one million dollars (\$1,000,000) appropriated by this act to the Board of Governors for the UNC Teacher and Principal Preparation Laboratory School Program shall be allocated to The University of North Carolina General Administration to provide administrative and technical assistance to constituent institutions with educator preparation programs to support the establishment of lab schools in accordance with this section.

SECTION 11.6.(g) By November 15, 2017, the Board of Governors shall submit a report to the Joint Legislative Education Oversight Committee on the progress of establishing the lab schools, including information on student enrollment numbers and the admissions process and any other information the Board deems relevant. By November 15, 2018, the Board of Governors shall submit the initial report required by G.S. 116-239.13 to the Joint Legislative Education Oversight Committee.

REPEAL LIMIT ON USE OF STATE FUNDS FOR UNC ADVANCEMENT ACTIVITY

SECTION 11.7. Section 11.6 of S.L. 2015-241 is repealed.

ESTABLISH NORTH CAROLINA POLICY COLLABORATORY AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

SECTION 11.8. The one million dollars (\$1,000,000) in recurring funds appropriated in this act to the Board of Governors of The University of North Carolina for the 2016-2017 fiscal year to establish and operate a North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill shall be used to establish a Collaboratory that facilitates the dissemination of the policy and research expertise of The University of North Carolina for practical use by State and local government. The Collaboratory, at a minimum, shall conduct research on natural resources management, including, but not limited to, research related to the environmental and economic components of the management of the natural resources within the State of North Carolina and of new technologies for habitat, environmental, and water quality improvement. The Collaboratory shall develop and disseminate relevant best practices to interested parties, may lead or participate in projects across the State related to natural resource management, and may make recommendations to the General Assembly from time to time.

REIMBURSE FINE ASSESSED AGAINST UNC-CHAPEL HILL FOR EXCEEDING OUT-OF-STATE STUDENT ADMISSION LIMIT

SECTION 11.9. Of the funds appropriated by this act to the Board of Governors of The University of North Carolina for the 2016-2017 fiscal year, the sum of five hundred thousand dollars (\$500,000) shall be allocated to the University of North Carolina at Chapel Hill as a reimbursement for the fine assessed against the University of North Carolina at Chapel Hill for exceeding the eighteen percent (18%) limit on the admission of out-of-state students in the entering freshman class for the 2015-2016 academic year.

SUBPART XI-A. UNIVERSITY/STATE EDUCATION ASSISTANCE AUTHORITY

MODIFICATIONS TO THE SPECIAL EDUCATION SCHOLARSHIP GRANT PROGRAM FOR CHILDREN WITH DISABILITIES

SECTION 11A.2.(a) G.S. 115C-112.5(2) reads as rewritten:

"(2) Eligible student. – A child under the age of 22 who resides in North Carolina and meets all of the following criteria:

- a. Is a child with a disability.
- b. Is eligible to attend a North Carolina public school pursuant to G.S. 115C-366.
- c. Has not been placed in a nonpublic school or facility by a public agency at public expense.
- d. Has not been enrolled in a postsecondary institution as a full-time student taking at least 12 hours of academic credit.
- e. Has not received a high school diploma.
- f. Meets at least one of the following requirements:
 1. Was enrolled in a North Carolina public school or a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the previous semester.
 2. Received special education or related services through the North Carolina public schools as a preschool child with a disability during the previous semester.
 3. Was approved for a scholarship for the previous semester.
 4. Is a child who is identified as a child with a disability prior to the end of the year of initial enrollment in kindergarten or first grade. An award by the Authority based on eligibility under this sub-sub-subdivision shall be conditional. If documentation is not provided to the Authority that the child is a child with a