

2020-21 Operating Budget Allocations

This document includes recommended allocations for operating funding, as well as additional information about the 2020-21 budget and related bills. A comparison of the final enacted budget to the Board of Governors' budget priorities can be found in Appendix A. Due to the COVID-19 pandemic and resulting loss in state revenue, items requested by the Board for recurring funds, with the exception of the NCSSM Western Campus Operations, were appropriated with nonrecurring funds. We will continue to seek recurring dollars for these items.

It is recommended that the following proposed allocations for 2020-21 be approved and that the president be authorized to make refinements in the interest of accuracy and completeness. It is also recommended that the president be authorized to seek such concurrence as may be required of the director of the budget in the allocation of budget priorities.

A. Recommended Allocations for Items Requiring Board Approval

Table 1 summarizes the operating allocations requiring Board of Governors approval. Following the table is a summary of the methodology for each allocation.

Table 1: Recommended Allocations Requiring Board Approval

Institution	Enrollment Change Funding	NC Promise Tuition Plan
Appalachian State University	\$ 5,175,392	
East Carolina University	(1,111,913)	
Elizabeth City State University	1,049,297	\$ 624,549
Fayetteville State University	2,541,505	
N.C. A&T State University	(496,086)	
North Carolina Central University	(2,262,933)	
North Carolina State University	3,857,479	
UNC Asheville	(175,715)	
UNC-Chapel Hill	3,426,899	
UNC Charlotte	2,694,895	
UNC Greensboro	(1,766,615)	
UNC Pembroke	4,986,392	2,005,687
UNC Wilmington	9,767,957	
UNC School of the Arts	626,459	
Western Carolina University	1,915,860	4,008,287
Winston Salem State University	(931,853)	
NC School of Science & Mathematics	95,211	
UNC System Office, Institutional Prog.	–	8,361,477*
Total	\$29,392,231	\$15,000,000

FTE Model programs include: ECU Medical and Dental Schools, NCCU School of Law, NC State School of Veterinary Medicine, UNC-CH Schools of Dentistry, Law, Medicine, and Pharmacy, UNCSA, and NCSSM.

**NC Promise funds of \$8,361,477 will be allocated after Fall 2020 census.*

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1. Enrollment Change Funding

The 2020 General Assembly fully funded the Board's enrollment change funding request by providing \$29,392,231 in nonrecurring funds for 2020-21. Senate Bill 817 (S.L. 2020-67) mandates that \$12,718,578 be transferred from the Department of Commerce's Job Development Investment Grant Special Revenue Fund and the remaining \$16,673,653 will be transferred from the General Fund to the UNC System Office, Institutional Programs (Board Reserve). For the first time, the UNC System has based its enrollment funding request on actual credit hours completed in arrears. Unlike in the past when funding arrived in the same semester as incremental growth, institutions will now be required to support increased enrollment for up to a year and a half with existing resources before they receive appropriation for these new students. However, this move allows for more accuracy and transparency in the enrollment funding request as well as efficiency gains in the process to determine the funding amounts. It is recommended that the enrollment change funding be allocated as shown in Table 1.

2. NC Promise Tuition Plan

The General Assembly provided an additional \$15,000,000 in nonrecurring funds for the NC Promise Tuition Plan, which sets undergraduate tuition at \$500 per semester for NC residents and \$2,500 per semester for nonresidents at three UNC institutions (ECSU, UNCP, and WCU). Funds will be used to support increased enrollment at each institution. Senate Bill 814 (S.L. 2020-43) mandates that \$10 million be transferred from the Education Lottery Reserve Fund and the remaining \$5 million will be transferred from the Department of Public Instruction's School Bus Replacement Fund to the UNC System Office, Institutional Programs (Board Reserve). The General Assembly also requires a report by the Board and the chancellors of the NC Promise institutions by October. More detailed information can be found in Appendix B. It is recommended that \$6,638,523 of the \$15 million appropriation be allocated to the three institutions as shown in Table 1. There was no appropriation for the FY 2019-20 growth at the NC Promise institutions, and this funding will bring the total buy-down amount up to the appropriate level for the prior year. It is recommended that the president be authorized to make further allocations for FY 2020-21 after fall 2020 census. Table 2 shown below provides more detail on the NC Promise buy-down calculation.

Table 2: NC Promise Buy-Down Allocation

		Fall FTE	Spring FTE	AAFTF	Calculated 2019-20 Buy Down	2018-19 Final Buy-Down Allocation	Difference
ECSU	Resident	1,308	1,230	1,269	\$2,355,264	\$2,094,487	
	Nonresident	293	256	275	3,019,500	2,655,728	
	Total	1,601	1,486	1,544	5,374,764	4,750,215	\$624,549
UNCP	Resident	5,404	5,030	5,217	13,574,634	12,484,556	
	Nonresident	388	318	353	3,598,129	2,682,520	
	Total	5,792	5,348	5,570	17,172,763	15,167,076	\$2,005,687
WCU	Resident	8,541	7,911	8,226	24,439,446	22,910,858	
	Nonresident	1,167	1,108	1,138	10,651,550	8,171,851	
	Total	9,708	9,019	9,364	35,090,996	31,082,709	\$4,008,287
Total	Resident	15,253	14,171	14,712	40,369,344	37,489,901	
	Nonresident	1,848	1,682	1,765	17,269,179	13,510,099	
	Total	17,101	15,853	16,477	\$57,638,523	\$51,000,000	\$6,638,523

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B. Additional Budget Actions Not Requiring Board Approval (for information only)

The General Assembly increased appropriations directly to several institutional budgets, which do not require Board allocation. These are described on the following pages, for information only.

1. NCSSM Western Campus Operations

The General Assembly fully funded the Board's request of \$3,340,591 in recurring funds for the 2020-21 fiscal year to be allocated to the NC School of Science and Mathematics for operating funds, purchase of equipment and supplies, and to establish 46 new positions at the Morganton campus of NCSSM established pursuant to G.S. 116-235.5. These funds were appropriated to the UNC System Office, Institutional Programs (Board Reserve) and will be transferred to NCSSM per House Bill 1136 (S.L. 2020-31). See Appendix B for more information.

2. NC State Innovation in Manufacturing Biopharmaceuticals

The General Assembly provided nonrecurring funds of \$2,000,000 for North Carolina State University's participation in a collaborative effort to accelerate the development of innovative manufacturing processes for biopharmaceutical products. Funds will support the Biomanufacturing Training and Education Center at North Carolina State University and serve as matching funds for a federal grant from the National Institute of Standards and Technology. House Bill 472 (S.L. 2020-26) mandates that \$2 million be transferred from the Department of Public Instruction's School Bus Replacement Fund to NC State University, Academic Affairs.

3. N.C. A&T Agricultural Research and Cooperative Extension

The General Assembly provided nonrecurring funds of \$3,000,000 for North Carolina A&T State University to be used to support its agricultural research and cooperative extension activities by matching federal funds awarded to N.C. A&T State University as a land-grant university pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977. House Bill 472 (S.L. 2020-26) mandates that \$3,000,000 be transferred from the Department of Public Instruction's School Bus Replacement Fund to N.C. A&T State University. This bill also permits the institution to sell dairy products produced by N.C. A&T's University Farm at university-owned facilities so long as any profits are used to support the agricultural research program and the College of Agriculture and Environmental Sciences at N.C. A&T State University.

4. UNCP College of Health Sciences

The General Assembly provided \$2,000,000 in nonrecurring funds for the Department of Nursing in the College of Health Sciences at UNC Pembroke for assistance with specialized medical and patient safety training to address the unique settings and procedures necessary when caring for COVID-19 patients in a variety of facility settings. House Bill 1023 (S.L. 2020-80) mandates that \$2,000,000 be transferred from the Office of State Budget and Management to UNC Pembroke.

5. UNC Teacher and Principal Preparation Laboratory Schools

The General Assembly directed the Board of Governors through House Bill 1096 (S.L. 2020-56) to transfer \$200,000 in nonrecurring funds from the Future Teachers of North Carolina program to the UNC Teacher and Principal Preparation Laboratory Schools for 2020-21. These funds can be used for administrative and technical assistance related to the lab school program. It is recommended that the president be authorized to make further allocations. For more information, see Appendix B.

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6. UNC Building Reserves

The General Assembly provided nonrecurring funds of \$12,609,867 to be used for operation and maintenance of building projects. Senate Bill 813 mandates that \$8,500,000 be transferred from the Department of Administration's E-Commerce Reserve Fund and \$3,991,578 from the Department of Revenue's Project Collect Tax will be transferred for 2020-21 to the UNC System Office, Institutional Programs (Board Reserve). In addition, \$118,289 is provided from the General Fund. These funds will be allocated, per Senate Bill 813 (S.L. 2020-76), as shown in Table 3.

Table 3: FY 2020-21 Building Reserves

Institution/Building	Amount
NC State University	
Utility Infrastructure (Fitts-Woolard and Plant Sciences)	\$ 585,615
Fitts-Woolard Hall	4,802,945
UNC Asheville	
Carmichael Hall Renovation	162,859
Owen Hall Renovation	232,134
UNC Greensboro	
Nursing and Instructional Building	1,715,960
South Chiller Plant	228,158
UNC Pembroke	
West Hall Renovation	325,544
UNC at Wilmington	
Allied Health (Veteran's Hall)	2,756,109
UNC School of the Arts	
Old Library Renovation	420,541
Winston-Salem State University	
Science and General Office Building	1,261,713
1602 Lowery Street Renovations	118,289
TOTAL	\$12,609,867

Note: This allocation only funds projects through the beginning of 2021. The UNC System Office plans to seek additional funding early next year to support the operations of other new buildings coming online later in the 2020-21 fiscal year.

7. Western School of Medicine (MAHEC)

The General Assembly provided nonrecurring funds of \$4,800,000 for the UNC School of Medicine's Asheville Campus, a joint program between the UNC School of Medicine, other UNC System universities, and the Mountain Area Health Education Center for COVID-19 related response activities, including outreach and education. House Bill 1023 (S.L. 2020-80) mandates that \$4,800,000 be transferred from the Office of State Budget and Management to UNC Chapel Hill, AHEC Programs.

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8. **Advanced Analytics at UNCP**

The General Assembly provided nonrecurring funds of \$3,000,000 for an advanced analytics project at UNC Pembroke focusing on providing a better understanding of the nature and impact of the COVID-19 pandemic, particularly in rural and at-risk communities. House Bill 1023 (S.L. 2020-80) mandates that \$3,000,000 be transferred from the Office of State Budget and Management to UNC Pembroke.

9. **Adjustment to the State Employer Salary-Related Contributions**

Beginning July 1, 2020, the State employer contribution rates will be reduced for state retirement and state health plan for teachers and employees benefits. The Office of State Budget and Management is directed to adjust appropriations for the 2020-21 fiscal year for employer contribution rates for state retirement benefits and health plan benefits for all applicable agencies, departments, and institutions. This represents a decrease in General Fund net appropriations of \$5,048,710 in recurring funds for the 2020-21 fiscal year. Per House Bill 1218 (S.L. 2020-41), these funds would be made available for the 2020-21 fiscal year for the purpose of meeting the state's General Fund debt service obligations. For more information, see Appendix B.



Appendix A: 2020-21 Operating Budget Comparison

	Amended UNC System Budget Priorities 2020-21	Enacted Budget Summary of Funding Bills 2020-21
Base Budget (excludes Aid to Private Institutions)	2,911,183,451	2,911,183,451
Top Strategic Priorities		
Faculty Recruitment and Retention	2,000,000	-
Employee Compensation Increase	<i>Equity with State Agencies</i>	-
NCSSM Western Campus Operations	3,340,591	3,340,591
Doctoral Research Funding for N.C. A&T	2,000,000	-
Manufacturing Biopharmaceuticals at NC State	4,000,000 NR	2,000,000 NR
College of Health Sciences at UNCP	1,000,000	2,000,000 NR
Lab School Operations	1,000,000	<i>\$200k Transfer from FTNC</i>
Tuition Grant for NCSSM	3,389,820	-
N.C. A&T Ag. Research & Coop. Extension	1,640,710	-
	1,640,710 NR	3,000,000 NR
Enrollment Change Funding		
Enrollment Growth - Regular	29,392,231	29,392,231 NR
Emergency Reserve	3,000,000	-
NC Promise Buy Down	15,000,000	15,000,000 NR
Building Reserves	14,832,007	-
	4,408,768 NR	12,609,867 NR
Other UNC Items (not requested)		
Western School of Medicine (MAHEC)	-	4,800,000 NR
Advanced Analytics at UNCP	-	3,000,000 NR
Total Recurring Operating Changes	76,595,359	3,340,591
Total Nonrecurring Operating Changes	10,049,478	71,802,098
Total Recommended UNC Budget Changes	86,644,837	75,142,689
Total Recommended UNC Budget	2,997,828,288	2,986,326,140
Total Percent Change	3.0%	2.6%

Notes :

Items are recurring unless specified as nonrecurring.

Does not include the emergency appropriation from the COVID-19 Recovery Act (H 1043) that has already been allocated by the Board of Governors.

Appendix B: Significant UNC-Related Bills – 2020-21 Operating Budget Allocations

SESSION LAW 2020-67 SENATE BILL 817

AN ACT TO FULLY FUND ENROLLMENT GROWTH AT THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) By August 15, 2020, the Department of Commerce shall transfer the sum of twelve million seven hundred eighteen thousand five hundred seventy-eight dollars (\$12,718,578) in nonrecurring funds for the 2020-2021 fiscal year from the Job Development Investment Grant Special Revenue Fund (Budget Code: 24609; Fund Code: 2565) to the Board of Governors of The University of North Carolina (Budget Code: 16011). The funds transferred pursuant to this section are hereby appropriated to the Board of Governors of The University of North Carolina for the 2020-2021 fiscal year to be used to fund enrollment growth at The University of North Carolina.

SECTION 1.(b) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of sixteen million six hundred seventy-three thousand six hundred fifty-three dollars (\$16,673,653) in nonrecurring funds for the 2020-2021 fiscal year to be used to fund enrollment growth at The University of North Carolina.

SECTION 1.(c) Departmental receipts, as defined in G.S. 143C-1-1, are appropriated for the 2020-2021 fiscal year up to the amounts needed to implement the provisions in this act for the 2020-2021 fiscal year.

SECTION 2. The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

SECTION 3. Except where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act shall remain in effect.

SECTION 4. This act becomes effective July 1, 2020.

SESSION LAW 2020-43 SENATE BILL 814

AN ACT TO APPROPRIATE FUNDS FOR THE NC PROMISE TUITION PLAN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding G.S. 18C-164, by August 15, 2020, the Office of State Budget and Management shall transfer the sum of ten million dollars (\$10,000,000) in nonrecurring funds from the cash balance in the Education Lottery Reserve Fund (Budget Code: 23004; Fund Code: 2C01) to UNC Board of Governors – Institutional Programs (Budget Code: 16011).

SECTION 1.(b) By August 15, 2020, the Department of Public Instruction shall transfer the sum of five million dollars (\$5,000,000) in nonrecurring funds from the cash balance in the School Bus Replacement Fund (Budget Code: 73510; Fund Code: 7200) to UNC Board of Governors – Institutional Programs (Budget Code: 16011).

SECTION 2.(a) The funds transferred in this act are appropriated to the Board of Governors of The University of North Carolina for the 2020-2021 fiscal year to be used for the NC Promise Tuition Plan established under G.S. 116-143.11, which sets tuition at five hundred dollars (\$500.00) per semester for North Carolina residents and two thousand five hundred dollars (\$2,500) per semester for nonresidents at Elizabeth City State University, the University of North Carolina at Pembroke, and Western Carolina University.

SECTION 2.(b) Departmental receipts, as defined in G.S. 143C-1-1, are appropriated for the 2020-2021 fiscal year up to the amounts needed to implement the provisions in this act for the 2020-2021 fiscal year.

SECTION 3. It is the intent of the General Assembly to appropriate from the General Fund to the Board of Governors of The University of North Carolina the following additional funds for the purpose of the "buy down" of any financial obligations incurred by Elizabeth City State University, the University of North Carolina at Pembroke, and Western Carolina University for the NC Promise Tuition Plan:

- (1) For the 2021-2022 fiscal year, the sum of twenty million dollars (\$20,000,000) in recurring funds.
- (2) For the 2022-2023 fiscal year, the sum of four million dollars (\$4,000,000) in recurring funds.
- (3) For the 2023-2024 fiscal year, the sum of three million four hundred thousand dollars (\$3,400,000) in recurring funds.
- (4) For the 2024-2025 fiscal year, the sum of three million dollars (\$3,000,000) in recurring funds.

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For the 2024-2025 fiscal year and subsequent fiscal years, it is the intent of the General Assembly that the net appropriation for the "buy down" of any financial obligations incurred by Elizabeth City State University, the University of North Carolina at Pembroke, and Western Carolina University for the NC Promise Tuition Plan shall not exceed the sum of eighty-one million four hundred thousand dollars (\$81,400,000) in recurring funds.

SECTION 4. The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

SECTION 5. Except where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act shall remain in effect.

SECTION 6. This act becomes effective July 1, 2020.

SESSION LAW 2020-31 HOUSE BILL 1136

AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AND OPERATE THE MORGANTON CAMPUS OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 29 of Chapter 116 of the General Statutes is amended by adding a new section to read: "**§ 116-235.5. Morganton campus authorized of the North Carolina School of Science and Mathematics.**

The Board of Trustees of the North Carolina School of Science and Mathematics is hereby authorized to establish a western campus of the school to be located in Morganton, North Carolina."

SECTION 2.(a) Section 3.15(c) of S.L. 2019-209 reads as rewritten:

"**SECTION 3.15.(c)** Effective July 1, 2020, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 2020-2021 fiscal year for teachers and State employees, State law enforcement officers (LEOs), the University and Community Colleges Optional Retirement Programs (ORPs), the Consolidated Judicial Retirement System (CJRS), and the Legislative Retirement System (LRS) are as set forth below:

	Teachers and State Employees	State LEOs	ORPs	CJRS	LRS
Retirement	14.36%	14.36%	6.84%	36.00%	29.00%
Disability	0.10%	0.10%	0.10%	0.00%	0.00%
Death	0.16% 0.13%	0.16% 0.13%	0.00%	0.00%	0.00%
Retiree Health	6.82%	6.82%	6.82%	6.82%	6.82%
NC 401(k)	0.00%	5.00%	0.00%	0.00%	0.00%

Total Contribution

Rate ~~21.44%~~ 21.41% ~~26.44%~~ 26.41% 13.76% 42.82% 35.82%"

SECTION 2.(b) No later than August 15, 2020, the Office of State Budget and Management shall adjust the appropriations for State retirement contributions of all applicable agencies, departments, or institutions to reflect the changes implemented in subsection (a) of this section, representing a decrease in General Fund net appropriations totaling three million three hundred forty thousand five hundred ninety-one dollars (\$3,340,591) in recurring funds for the 2020-2021 fiscal year.

SECTION 3. From the funds made available pursuant to Section 2 of this act, there is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three million three hundred forty thousand five hundred ninety-one dollars (\$3,340,591) in recurring funds for the 2020-2021 fiscal year to be allocated to the North Carolina School of Science and Mathematics (NCSSM) for operating funds, purchase of equipment and supplies, and to establish 46 new positions at the Morganton campus of NCSSM established pursuant to G.S. 116-235.5.

SECTION 4. It is the intent of the General Assembly to appropriate from the General Fund to the Board of Governors of The University of North Carolina the following additional funds for any financial obligations incurred to open and operate the Morganton campus of NCSSM:

Appendix B: Significant UNC-Related Bills – 2020-21 Operating Budget Allocations

- (1) For the 2021-2022 fiscal year, the sum of two million six hundred eight thousand one hundred sixty dollars (\$2,608,160) in recurring funds and the sum of one million three hundred thirty-four thousand two hundred sixty-four dollars (\$1,334,264) in nonrecurring funds.
- (2) For the 2022-2023 fiscal year, the sum of three million eight hundred twenty-two thousand four hundred seventy-four dollars (\$3,822,474) in recurring funds and the sum of three hundred forty-seven thousand four hundred twelve dollars (\$347,412) in nonrecurring funds.
- (3) For the 2023-2024 fiscal year, the sum of one million six hundred thirty-eight thousand seven hundred ninety-four dollars (\$1,638,794) in recurring funds and the sum of thirty-three thousand three hundred thirty-six dollars (\$33,336) in nonrecurring funds.

SECTION 5. The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

SECTION 6. Except where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act shall remain in effect.

SECTION 7. This act becomes effective July 1, 2020.

SESSION LAW 2020-26 HOUSE BILL 472

AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO NORTH CAROLINA STATE UNIVERSITY TO PROVIDE A MATCH FOR FEDERAL FUNDS TO SUPPORT THE DEVELOPMENT OF INNOVATIVE MANUFACTURING PROCESSES FOR BIOPHARMACEUTICAL PRODUCTS; TO APPROPRIATE ADDITIONAL FUNDS TO NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO PROVIDE A MATCH FOR FEDERAL FUNDS TO SUPPORT AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION PROGRAM ACTIVITIES; AND TO PERMIT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO SELL DAIRY PRODUCTS AT UNIVERSITY-OWNED FACILITIES TO SUPPORT THE AGRICULTURAL RESEARCH PROGRAM AT THE UNIVERSITY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Transfer for NC State University Funds. – By August 15, 2020, the Department of Public Instruction shall transfer the sum of two million dollars (\$2,000,000) in nonrecurring funds from the cash balance in the School Bus Replacement Fund (Budget Code: 73510; Fund Code: 7200) to NC State University – Academic Affairs (Budget Code: 16030).

SECTION 1.(b) Appropriation for the NC State University Match. – The funds transferred in subsection (a) of this section are appropriated to the Board of Governors of The University of North Carolina for the 2020-2021 fiscal year to be allocated to North Carolina State University (NC State University) to be used for NC State University's participation in a collaborative effort to accelerate the development of innovative manufacturing processes for biopharmaceutical products. These funds shall support the Biomanufacturing Training and Education Center at NC State University and shall serve as matching funds for a federal grant from the National Institute of Standards and Technology.

SECTION 2.(a) Transfer for NC A&T State University Funds. – By August 15, 2020, the Department of Public Instruction shall transfer the sum of three million dollars (\$3,000,000) in nonrecurring funds from the cash balance in the School Bus Replacement Fund (Budget Code: 73510; Fund Code: 7200) to NC A&T University (Budget Code: 16070).

SECTION 2.(b) Appropriation for the NC A&T State University Match. – The funds transferred in subsection (a) of this section are appropriated to the Board of Governors of The University of North Carolina for the 2020-2021 fiscal year to be allocated to North Carolina Agricultural and Technical State University (NC A&T State University) to be used to support its agricultural research and cooperative extension activities by matching federal funds awarded to NC A&T State University as a land-grant university pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, 7 U.S.C. § 3221, et seq.

SECTION 3. Exemption for Sale of NC A&T Dairy Products. – G.S. 66-58(c) reads as rewritten:

"(c) The provisions of subsection (a) shall not prohibit:

- (1) The sale of products of experiment stations or test farms.

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(1a) The sale of products raised or produced incident to the operation of a community college or college viticulture/enology program as authorized by G.S. 18B-1114.4 or the operation of a community college or college brewing, distillation, or fermentation program as authorized by G.S. 18B-1114.6.

(1b) The sale by North Carolina State University at University-owned facilities of dairy products, including ice cream, cheeses, milk-based beverages, and the by-products of heavy cream, produced by the Dairy and Process Applications Laboratory, so long as any profits are used to support the Department of Food Science and College of Agriculture and Life Sciences at North Carolina State University.

(1c) The sale by North Carolina Agricultural and Technical State University (NC A&T State University) at University-owned facilities of dairy products, including ice cream, cheeses, milk-based beverages, and the by-products of heavy cream, produced by the University Farm at NC A&T State University, so long as any profits are used to support the Agricultural Research Program and the College of Agriculture and Environmental Sciences at NC A&T State University.

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SECTION 4. State Budget Act Applies. – The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

SECTION 5. Additional Limitations and Directions. – Except where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act shall remain in effect.

SECTION 6. Effective Date. – This act becomes effective July 1, 2020.

SESSION LAW 2020-56 HOUSE BILL 1096

AN ACT TO MAKE VARIOUS CHANGES RELATED TO THE UNIVERSITY OF NORTH CAROLINA SYSTEM; TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE FEASIBILITY OF OFFERING ACCELERATED UNDERGRADUATE DEGREE PROGRAMS AT CONSTITUENT INSTITUTIONS; AND TO PROVIDE FUNDS FOR THE UNIVERSITY OF NORTH CAROLINA LABORATORY SCHOOLS.

The General Assembly of North Carolina enacts:

PART I. REPEAL BOG MANDATORY REVIEW OF CERTAIN UNC HUMAN RESOURCES ACTIONS

SECTION 1. G.S. 116-17.3 is repealed.

PART II. UNC LABORATORY SCHOOL MODIFICATIONS/FUNDS

SECTION 2.(a) G.S. 116-239.5(a) reads as rewritten:

"(a) The Board of Governors, upon recommendation by the President, shall designate ~~at least nine~~ constituent institutions to submit proposals to establish at least nine laboratory schools in total to serve public school students in accordance with the provisions of this Article. The Board of Governors shall select constituent institutions with high-quality educator preparation programs as demonstrated by the annual performance measures reported by the constituent institutions in accordance with G.S. 115C-296.35. The Board of Governors' Subcommittee on Laboratory Schools established under G.S. 116-239.7 shall review the proposals and approve at least nine of the proposals to establish laboratory schools. The Subcommittee may select a constituent institution to operate more than one laboratory school. The Subcommittee shall oversee the operations of those laboratory schools to meet the purposes set forth in this Article."

SECTION 2.(b) G.S. 116-239.5 is amended by adding a new subsection to read:

"(e) In addition to all other immunities provided to them by applicable State law, the Subcommittee, chancellor, the constituent institution, an advisory board, and a laboratory school, and their members, employees, and agents shall be entitled to the specific immunities provided for in Chapter 115C of the General Statutes applying to the State Board of Education, Superintendent of Public Instruction, a local board of education, a local school administrative unit, and their members and employees. Any such immunity to liability established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. Immunity established by this subsection shall be deemed to be waived to the extent of indemnification under Article 31A and Article 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."

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SECTION 2.(c) G.S. 116-239.7 reads as rewritten:

"§ 116-239.7. The Board of Governors' Subcommittee on Laboratory Schools; selection of laboratory schools; creation of a laboratory school; dissolution.

...

(a1) Approval of Laboratory Schools. – The Board of Governors, upon the recommendation of the President, shall designate ~~at least nine~~ constituent institutions to establish and operate a total of at least nine laboratory schools. The chancellor of each constituent institution shall adopt and submit to the Subcommittee a proposal to operate a one or more laboratory school ~~schools in a one or more~~ local school administrative unit ~~units that meets meet~~ the minimum threshold for the number of low-performing schools located in ~~the a~~ unit under G.S. 116-239.6(4). The proposal shall include the governance structure of the laboratory school. The Subcommittee shall evaluate the proposals for approval or disapproval by considering the design components and the strategic focus of the laboratory school and any other standards developed by the Subcommittee to be applicable to all laboratory schools. The Subcommittee shall also consider the location of each laboratory school so that, to the extent possible, there is a geographically diverse distribution of the laboratory schools throughout the ~~State and a maximum of one~~ State. From the proposals submitted to the Subcommittee, the Subcommittee shall approve the establishment of at least nine laboratory schools.

(a2) Waiver for Certain Local School Administrative Units. – Notwithstanding subsection (a1) of this section, a chancellor may submit a proposal to the Subcommittee to locate a laboratory school in a local school administrative unit that does not meet the minimum threshold for the number of low-performing schools located in the unit under G.S. 116-239.6(4) if the proposal demonstrates that the laboratory school shall primarily serve students who did not meet expected growth in the prior school year in accordance with G.S. 116-239.9(c1). The Subcommittee may waive the requirement for the number of low-performing schools in a local school administrative unit for the location of a laboratory school, for up to a total of ~~three six~~ laboratory schools established under this Article, only if both of the following conditions are met for the laboratory school:

- (1) The proposal has been submitted jointly by the chancellor and the local school administrative unit in which the laboratory school will be located.
- (2) The Subcommittee determines that the proposed location would satisfy the purposes set forth in G.S. 116-239.5.

(b) Resolution by the Subcommittee to Approve a Laboratory School. – The Subcommittee shall adopt a resolution upon the approval of each laboratory school, which shall include the following:

- (1) Name of the laboratory school.
- (2) The local school administrative unit in which the laboratory school shall be located.
- (3) A term of operation for the laboratory school of five years from the date of initial operation. At the end of the initial five years of operation, the Subcommittee shall renew the term of operation for additional five-year periods under the resolution if the laboratory 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, or if the Subcommittee renews a waiver of this requirement under subsection (a2) of this section, ~~the resolution may be renewed by the Subcommittee at the end of the term for an additional five years.~~ section. If the laboratory school is no longer (i) located in a qualifying local school administrative unit or (ii) meeting the purposes of this Article under a waiver at the end of five years, the Subcommittee ~~shall may~~ renew the term of operation for additional five-year periods under the resolution if the Subcommittee finds the school is successfully meeting its mission to improve student performance and provide valuable exposure and training for teachers and principals in the constituent institution's educator preparation program. The Subcommittee may terminate operation of any laboratory school during the initial term of operation or during a five-year renewal period if the Subcommittee finds it is failing to meet expected progress toward meeting the mission of the school consistent with the requirements of this Article. The Subcommittee shall notify the Board of Governors of the end of the term of operation of a laboratory school and request designation of additional constituent institutions with educator preparation programs to establish a laboratory school in accordance with the provisions of this Article.

...."

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SECTION 2.(d) G.S. 116-239.8(b)(4) reads as rewritten:

"(4) ~~Food and transportation services.~~—Operation and maintenance of laboratory schools. – The Board of Governors and the State Board of Education shall jointly determine standards for establishing the costs to local school administrative units for providing the facilities and services identified in this subdivision for operation and maintenance of a laboratory school. The standards shall include the lease amount by square foot for facility leases, which shall incorporate the cost of the outstanding debt service for the facility. A local school administrative unit shall provide, at the laboratory school's request, any of the following facilities and services to the laboratory school, but the costs of those facilities and services charged to the laboratory school shall not exceed the established standards for determination of costs. The following shall be determined in a memorandum of understanding between the chancellor and the local school administrative unit for the operation and maintenance of the laboratory school as needed:

- a. Facilities and leases. – Upon request, the local school administrative unit in which the laboratory school is located shall lease adequate facilities to the constituent institution for use as a laboratory school. Unless the laboratory school requests not to include any of the following, the lease shall include use of or access to any existing buildings, parking areas, playgrounds, driveways required for ingress and egress, furniture, classroom space, a cafeteria or multipurpose room, moveable equipment, appliances, playground materials, including a library collection, instructional materials, and classroom and other technology equipment necessary to operate the laboratory school. The lease term shall be terminated if the laboratory school ceases operation. Upon request, the local school administrative unit shall maintain the facilities and premises of the laboratory school and keep them in good repair and tenantable condition by providing all routine custodial services and routine facilities maintenance services, including routine indoor maintenance, routine mowing, trimming, and maintenance of exterior landscaping and snow removal, and timely repair of the facilities and premises. The chancellor is authorized to execute the lease agreement and memoranda of agreement for the operation of a laboratory school.
- b. Transportation services. – ~~The~~ Upon request, the local school administrative unit in which the laboratory school is located shall ~~provide food services and provide~~ transportation to students ~~attending who~~ reside in the local school administrative unit and attend the laboratory ~~school~~ school, including any students who are homeless and require assistance pursuant to 42 U.S.C. § 11301, et seq., the McKinney-Vento Homeless Assistance Act. The requirement to provide transportation to students residing in the local school administrative unit shall (i) apply regardless of where a laboratory school student resides in the unit or how the unit's transportation policies and practices are applied to other students and (ii) upon request, include providing transportation of students and personnel for laboratory school extracurricular activities and educational trips in the same manner as other schools in the unit for that school year.
- c. ~~The Food services.~~ – Upon request, the local school administrative unit in which the laboratory school is located shall administer the National School Lunch Program for the laboratory school in accordance with G.S. 115C-264. ~~The chancellor shall arrange for the provision of these services from the local school administrative unit.~~
- d. Student support services. – Upon request, the local school administrative unit in which the laboratory school is located shall provide any of the following student support services for the operation of the laboratory school, including:
 1. Services required by the Department of Public Instruction for children with disabilities.
 2. Children and family support services, including social worker and school nurse services.
 3. Other health services, including dental screenings, vision screenings, and similar health services that apply to other students enrolled in the local school administrative unit.
 4. Parent involvement coordinator services.
 5. School counselor services."

SECTION 2.(e) G.S. 116-239.11 reads as rewritten:

"§ 116-239.11. State and local funds.

- (a) The State Board of Education shall allocate to a laboratory school the following:

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- (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 laboratory school, except for the allocation for children with ~~disabilities, disabilities and~~ for the allocation for children with limited English proficiency, ~~and for the allocation for transportation services.~~ proficiency.

...."

SECTION 2.(f) G.S. 116-239.9 reads as rewritten:

"§ 116-239.9. Student admissions and assignment.

(a) A child shall be eligible to attend a laboratory school if the child resides in the local school administrative unit in which a laboratory school is located and meets at least one of the following criteria:

- (1) Is assigned to a low-performing school, as defined by G.S. 115C-105.37 at the time of the student's application.
- (2) Did not meet expected growth in the prior school year based on one or more indicators listed in subsection (c1) of this section.
- (3) Is the sibling of a child who is eligible under subdivision (1) or (2) of this subsection.
- (4) Is the child of a laboratory school employee.

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

(c) During each period of enrollment, the laboratory school shall enroll an eligible student under subsection (a) of this section who submits a timely application, up to the capacity of a program, class, grade level, or building, in the order in which applications are received. Once enrolled, students are not required to reapply in subsequent enrollment periods. The laboratory school may give enrollment priority to the sibling of an enrolled student who attended the laboratory school in the prior school year.

(c1) For the purposes of this Article, any of the following shall serve as indicators that a student did not meet expected student growth in the prior school year: (i) grades, (ii) observations, (iii) diagnostic and formative assessments, (iv) State assessments, or (v) other factors, including reading on grade level.

(c2) Notwithstanding the requirements of subsection (a) of this section, if a laboratory school has not reached enrollment capacity in a program, class, grade level, or building by March 1, prior to the start of the next school year, the laboratory school may enroll children who reside in the local school administrative unit in which the laboratory school is located but do not meet one of the criteria set forth in subdivisions (1) through (4) of subsection (a) of this section for up to twenty percent (20%) of the total capacity of the program, class, grade level, or building.

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

(e) Within one year after a laboratory school begins operation, the laboratory school shall make reasonable efforts in the recruitment process for the population of the school to reasonably reflect the racial, ethnic, and socioeconomic composition of the general population of the students residing within the local school administrative unit in which the school is located. A laboratory school shall not unlawfully discriminate when making admissions determinations."

SECTION 2.(g) Section 11.6(d) of S.L. 2016-94, as amended by Section 4 of S.L. 2017-117, reads as rewritten:

"SECTION 11.6.(d) Notwithstanding G.S. 116-239.5, (i) at least nine ~~six~~ laboratory schools shall be established pursuant to Article 29A of Chapter 116 of the General Statutes, as enacted by this section, and in operation by the beginning of the ~~2019-2020~~ 2020-2021 school year and (ii) at least an additional three laboratory schools shall be established pursuant to Article 29A of Chapter 116 of the General Statutes and in operation by the beginning of the 2022-2023 school year."

SECTION 2.(h) By August 15, 2020, the Board of Governors of The University of North Carolina shall transfer the sum of two hundred thousand dollars (\$200,000) in nonrecurring funds from those funds provided for the Future Teachers of North Carolina program for the 2020-2021 fiscal year to be used for administrative and technical assistance related to the UNC Teacher and Principal Preparation Laboratory School Program for support services. These funds shall not be used to create new positions or to hire additional consultants for The University of North Carolina System Office.

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SECTION 2.(i) This section is effective when this act becomes law. Subsection (b) of this section applies to an action or omission of an action occurring on or after the date this act becomes law. Subsection (f) of this section applies beginning with the 2020-2021 school year. Subsections (d) and (e) of this section apply to leases and agreements entered into on or after the date this act becomes law and apply beginning with the 2021-2022 school year and subsequent school years. Subsections (d) and (e) shall not apply to or alter existing leases, contracts, or agreements without the consent of all parties to the lease, contract, or agreement. Notwithstanding subsection (e) of this section, if an existing lease, contract, or agreement includes transportation services, the local school administrative unit providing those services shall provide a copy of the lease, contract, or agreement to the Department of Public Instruction, and the Department shall not transfer the transportation allotment to the laboratory school until the existing lease, contract, or agreement expires or is mutually modified by all parties.

PART III. EXTEND REPORT DATE FOR UNC BOARD OF GOVERNORS PLANNING TASK FORCE

SECTION 3. Section 36.6 of S.L. 2018-5 reads as rewritten:

"SECTION 36.6.(a) There is created the UNC Board of Governors Planning Task Force. The Task Force shall consist of four current Board members appointed by the Board of Governors, one of whom shall be designated as chair. These appointments shall be made no later than August 1, 2018.

"SECTION 36.6.(b) The Task Force shall conduct a systemwide analysis of the capital needs of the campuses of each constituent institution in relation to the Science Technology Engineering and Mathematics (STEM) subject area, taking into account the strengths, weaknesses, opportunities, and needs of each constituent institution, and any regional similarities and differences. The Task Force shall also consider the impact of any relevant programmatic planning elements being currently utilized that could be implemented as a best-practice among other similar programmatic areas to encourage systemwide efficiencies. In particular, the Task Force shall consider the capital needs relating to the Brody School of Medicine at East Carolina University, the UNC Applied Physical Sciences and Institute for Convergent Science in Chapel Hill, and other STEM projects to determine areas where capital funds may be used more efficiently and effectively. The Task Force shall use the information gathered pursuant to this subsection to compile a UNC System Plan.

"SECTION 36.6.(c) The three million dollars (\$3,000,000) appropriated to the Board of Governors of The University of North Carolina in Section 36.2 of this act shall be used by the Task Force in conducting the analysis described in subsection (b) of this section. On or before ~~April 1, 2019~~, July 30, 2020, the Task Force shall submit a report containing the UNC System Plan and any legislative recommendations to the Joint Legislative Capital Improvements Oversight Committee and the Fiscal Research Division."

PART IV. MODIFY FUTURE TEACHERS OF NORTH CAROLINA

SECTION 4.(a) G.S. 116-41.30(b) reads as rewritten:

~~"(b) Program. – FTNC shall be a program providing professional development and curricula for courses that provide selective, application-based symposium for high school juniors and seniors, offering a challenging introduction to teaching as a profession for high school students through courses offered by participating high schools in conjunction with college partners. profession. FTNC courses shall include both content on pedagogy and the profession of teaching and field experiences for high school students. provide instruction on pedagogy, ethics and professionalism, child development, successful teaching strategies and classroom management practices, effective lesson planning, assessment and intervention, and requirements of teacher licensure. The FTNC Symposium should provide practical benefits to participating students, which may include interaction with current educators, administrators, and educator preparation program faculty members; a simulated student teaching experience; and information about financial aid and scholarship opportunities."~~

SECTION 4.(b) G.S. 116-41.31 reads as rewritten:

"§ 116-41.31. Oversight of Future Teachers of North Carolina.

~~(a) FTNC General Administration System Office. – FTNC shall be administratively located in The University of North Carolina System Office. The President shall select three constituent institutions with highly successful schools of education located in the western, central, and eastern regions of the State, respectively, to collaborate on development of curricula for FTNC and to provide professional development to high school teachers who will teach FTNC courses. The three constituent institutions shall also work with other constituent institutions and other institutions of higher education in the State to seek input in the development of curricula and professional~~

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development for FTNC and to create a network of college faculty to provide support to high schools offering FTNC courses. establish a Future Teachers of North Carolina Advisory Council (FTNC Council) to oversee the FTNC program. At the President's discretion, the FTNC Council shall coordinate with constituent institutions to utilize expertise from administrators, faculty, and staff members of institutions of higher education in designing the agenda and instructional content for the FTNC Symposium. The FTNC Council shall ensure diverse representation of the educator preparation programs represented at the FTNC Symposium. The FTNC Council shall also be responsible for creating an application process for interested high school students, reviewing submitted applications, selecting students to attend, and recruitment and outreach efforts.

(b) FTNC Site Applications.—All high schools in the State are encouraged to offer FTNC courses to students. A high school shall apply to offer FTNC courses with the geographically appropriate constituent institution overseeing FTNC and shall ensure that all teachers teaching FTNC courses have received appropriate training. High schools shall also seek a partner institution of higher education to provide support from college faculty. High schools participating in the FTNC program shall report demographic, survey, and other available outcome data to The University of North Carolina System Office as necessary for completion of the FTNC annual report required by G.S. 116-41.32.

(c) FTNC Institution of Higher Education Partners.—Constituent institutions that partner with high schools shall offer dual credit for high school students who successfully complete the FTNC course with a grade of "B" or higher. Other institutions of higher education that partner with high schools are encouraged to offer dual credit for high school students who successfully complete the FTNC course with a grade of "B" or higher. Constituent institutions shall provide annually to The University of North Carolina System Office data on students who have received dual credit for completion of an FTNC course and students who applied for admission into an educator preparation program at a constituent institution who indicated in the application for admission that the student completed an FTNC course. Other institutions of higher education are encouraged to provide annually to The University of North Carolina System Office data on students who have received dual credit for completion of an FTNC course and students who applied for admission into an educator preparation program at the institution of higher education who indicated in the application for admission that the student completed an FTNC course."

SECTION 4.(c) G.S. 116-41.32 reads as rewritten:

"§ 116-41.32. Future Teachers of North Carolina reporting.

The University of North Carolina System Office shall report annually, beginning October 15, 2019, 2021, on the following:

- (1) Total number and names of local school administrative units with List of high schools and local school administrative units represented by participating in FTNC, total number and names of high schools offering FTNC, partner institution of higher education for each high school, and number of sections of the course being offered at each high school. students.
 - (1a) Number of students who submitted an application to attend the FTNC Symposium.
 - (1b) Number of students attending the FTNC Symposium, including distribution by region.
 - (2) Demographic information of students enrolled in FTNC courses. attending the FTNC Symposium.
 - (2a) Description of the event agenda and content.
 - (3) Percentage of students who, after completing the course, attending the FTNC Symposium, reported the following:
 - a. The student plans to choose teaching as a profession.
 - a1. The student plans to enroll in a community college, a constituent institution, a private postsecondary institution located in North Carolina, or a postsecondary institution located in another state.
 - b. The course FTNC Symposium was very or somewhat effective in helping the student formulate a positive perception of the education profession.
 - c. The coursework and activities FTNC Symposium increased the student's knowledge of the teaching profession and other careers in education.
 - d. The field experience helped the student understand the many factors that contribute to effective teaching.
 - (4) Percentage of students who completed an FTNC course who received dual credit for successful completion of the course, by institution.

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- (5) Percentage of students who completed an FTNC course who applied for admission into an educator preparation program, by institution.
- (6) Number of teachers provided professional development for FTNC."

PART V. MODIFY NC TEACHING FELLOWS PROGRAM

SECTION 5.(a) G.S. 116-209.62, as amended by subsections (b) and (c) of this section, reads as rewritten:

"§ 116-209.62. North Carolina Teaching Fellows Program established; administration.

...

(f) Program Selection Criteria. – The Authority shall administer the Program in cooperation with five up to eight institutions of higher education with approved educator preparation programs selected by the Commission that represent a diverse selection of both postsecondary constituent institutions of The University of North Carolina and private postsecondary institutions operating in the State. The Commission shall adopt stringent standards for selection of the most effective educator preparation programs, including the following:

- (1) Demonstrates high rates of educator effectiveness on value-added models and teacher evaluations, including using performance-based, subject-specific assessment and support systems, such as edTPA or other metrics of evaluating candidate effectiveness that have predictive validity.
- (2) Demonstrates measurable impact of prior graduates on student learning, including impact of graduates teaching in STEM or special education licensure areas.
- (3) Demonstrates high rates of graduates passing exams required for teacher licensure.
- (4) Provides curricular and co-curricular enhancements in leadership, facilitates learning for diverse learners, and promotes community engagement, classroom management, and reflection and assessment.
- (5) Requires at least a minor concentration of study in the subject area that the candidate may teach.
- (6) Provides early and frequent internship or practical experiences, including the opportunity for participants to perform practicums in diverse school environments.
- (7) Is approved by the State Board of Education as an educator preparation program.

(g) Awards of Forgivable Loans. – The Program shall provide forgivable loans to selected students to be used at the five up to eight selected institutions for completion of a program leading to initial teacher licensure as follows:

...."

SECTION 5.(b) G.S. 116-209.62(c)(3) reads as rewritten:

- "(3) The Authority shall provide the Commission with up to six hundred thousand dollars (\$600,000) from the Trust Fund in each fiscal year for the Commission to provide mentoring and coaching support to forgivable loan recipients through the North Carolina New Teacher Support Program ~~as follows:~~
- a. Up in an amount of up to two thousand two hundred dollars (\$2,000) (\$2,200) for each Program recipient. Funds shall be prioritized for teachers serving as a teacher in a North Carolina public school schools identified as low-performing under G.S. 115C-105.37.
 - b. Up to one thousand dollars (\$1,000) for each Program recipient serving as a teacher in a North Carolina public school not identified as low-performing under G.S. 115C-105.37."

SECTION 5.(c) G.S. 116-209.62(g)(4) reads as rewritten:

- "(4) Students matriculating at institutions of higher education who are changing to enrollment in an approved program of study at a selected educator preparation program. – Forgivable loans of up to four thousand one hundred twenty-five dollars (\$4,125) per semester for up to four semesters."

SECTION 5.(d) Subsection (a) of this section applies to the award of forgivable loans beginning with the 2022-2023 academic year. Subsection (b) of this section becomes effective July 1, 2020.

PART VI. EXEMPT NORTH CAROLINA SCHOOL OF THE ARTS AND NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS FROM PUBLIC SCHOOL UNIT DEFINITION

SECTION 6.(a) G.S. 115C-5 is amended by adding a new subdivision to read:

"(3a) The governing body of a public school unit is the following:

- a. For a local school administrative unit, the local board of education.
- b. For a charter school, the nonprofit corporation board of directors.
- c. For a regional school, the regional school board of directors.

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- d. For a school operated under Article 7A and Article 9C of this Chapter, the State Board of Education.
- e. For a school operated under Article 29A of Chapter 116 of the General Statutes, the chancellor of the constituent institution."

SECTION 6.(b) G.S. 115C-5(7a) reads as rewritten:

"(7a) Public school unit. – Any of the following:

- a. A local school administrative unit.
- b. A charter school.
- c. A regional school.
- d. A school providing elementary or secondary instruction operated by one of the following:
 - 1. The State Board of Education, including schools operated under Article 7A and Article 9C of this Chapter.
 - 2. ~~The University of North Carolina, including schools operated under Articles 4, 29, and Carolina under Article 29A of Chapter 116 of the General Statutes."~~

SECTION 6.(c) G.S. 115C-238.81(c) reads as rewritten:

"(c) Within funds available, NCVPS shall provide NCVPS courses at no cost to all students in North Carolina who are enrolled in North Carolina's public school units, Department of Defense schools, schools operated by The University of North Carolina under Articles 4 and 29 of Chapter 116 of the General Statutes, and schools operated by the Bureau of Indian Affairs."

PART VII. POLICE OFFICER POSITION EXEMPTION

SECTION 7. G.S. 126-5 is amended by adding a new subsection to read:

"(c16) Except as to the provisions of Articles 6, 7, and 8 of this Chapter, the provisions of this Chapter shall not apply to commissioned police officer positions of the University of North Carolina. Employees in positions covered by this exception shall be eligible for all employment and retirement benefits provided to State law enforcement officers subject to this Chapter."

PART VIII. MILLENNIAL CAMPUS DESIGNATION FOR UNC-AFFILIATED INSTITUTIONS

SECTION 8.(a) G.S. 116-198.33 reads as rewritten:

"§ 116-198.33. Definitions.

As used in this Article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

...

(3) The word "Institution" shall mean North Carolina State University at Raleigh and the University of North Carolina at Chapel Hill, or a constituent institution or affiliated institution of The University of North Carolina with a Millennial Campus as defined by G.S. 116-198.33(4b).

...

(4b) The term "Millennial Campus" means all real property and appurtenant facilities designated by the Board of Governors as part of a Millennial Campus of a constituent institution or affiliated institution of The University of North Carolina other than North Carolina State University or the University of North Carolina at Chapel Hill. The properties designated by the Board of Governors do not have to be contiguous with the constituent institution or an affiliated institution to be designated as part of the institution's Millennial Campus.

...."

SECTION 8.(b) G.S. 116-198.34(8b) reads as rewritten:

"(8b) Acting on recommendation made by the President of The University of North Carolina after consultation by the President with the Chancellor and the Board of Trustees of a constituent institution, or by the President with the chief executive officer or equivalent executive position for an affiliated institution, to designate real property held by, or to be acquired by, a constituent institution or an affiliated institution as a "Millennial Campus" of the institution. That designation shall be based on an express finding by the Board of Governors that the institution desiring to create a "Millennial Campus" has the administrative and fiscal capability to create and maintain such a campus

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and provided further, that the Board of Governors has found that the creation of the constituent institution's or affiliated institution's "Millennial Campus" will enhance the institution's research, teaching, and service missions as well as enhance the economic development of the region served by the institution. Upon formal request by the ~~constituent~~ institutions, the Board of Governors may authorize two or more ~~constituent~~ institutions which meet the requirements of this section to create a joint Millennial Campus."

PART VIII-A. ACCELERATED DEGREE COMPLETION STUDY BY UNC

SECTION 8A.(a) The Board of Governors of The University of North Carolina shall study the feasibility of offering accelerated undergraduate degree programs at constituent institutions that are effective and efficient for students while remaining consistent with the access and affordability goals of the Strategic Plan for The University of North Carolina adopted by the Board of Governors. In conducting the study, the Board of Governors shall consider at least the following factors:

- (1) The use of online education for certain courses to shorten time to degree completion, particularly for general education requirements.
- (2) The feasibility of increasing summer term options or flexible calendar scheduling to accelerate degree completion.
- (3) The potential for piloting specific accelerated degree program models, such as three-year degree programs, combined bachelor's and master's degree programs, and competency-based programs. In reviewing potential pilot programs, the Board of Governors shall determine (i) whether a pilot program would be required or optional for constituent institutions, (ii) the type of flexibility that would be allowed during a pilot program, and (iii) whether incentive funding through the funding formula should be tied to constituent institutions relative to such a program.
- (4) Any obstacles or needed changes to State financial aid programs or the university funding model to incentivize accelerated paths to a degree.
- (5) The potential cost savings to students who enroll in accelerated degree programs, including any reduction to tuition and fees.
- (6) Any possible shifts in curriculum design to focus on specialized skills earlier in the degree program.
- (7) Issues related to student support to facilitate successful completion of requirements, selection of majors early in programs, and the management of increased student coursework loads in accelerated degree programs.
- (8) The importance of credit transfers from college level high school courses, community college courses, or courses from other institutions to maximize accelerated degree program efficiency.
- (9) The level of student interest and demand for accelerated degree programs.

SECTION 8A.(b) By March 1, 2021, the Board of Governors shall report on the results of the study and any recommendations to the Joint Legislative Education Oversight Committee.

SECTION 8A.(c) This section becomes effective July 1, 2020.

PART IX. APPLICABILITY OF HOUSE BILL 966, 2019 REGULAR SESSION

SECTION 9.(a) If House Bill 966, 2019 Regular Session, becomes law, Sections 8.4, 8.5, 8.6, 8.12, and 8A.6 of that act are repealed.

SECTION 9.(b) If House Bill 966, 2019 Regular Session, becomes law, and any provision of that act or a provision of the Committee Report described in Section 42.2 of that act conflicts with this act, this act shall control.

PART X. MISCELLANEOUS

SECTION 10.(a) The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

SECTION 10.(b) Except where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act shall remain in effect.

PART XI. EFFECTIVE DATE

SECTION 11. Except as otherwise provided, this act is effective when it becomes law.

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SESSION LAW 2020-80

HOUSE BILL 1023

(only UNC-related excerpts are shown due to length of bill)

AN ACT TO PROVIDE ADDITIONAL AND REVISED USES FOR FEDERAL CORONAVIRUS RELIEF FUNDS; TO PROVIDE ADDITIONAL FUNDING FOR SCHOOL NUTRITIONAL NEEDS; TO EXTEND THE ABILITY OF CERTAIN GOVERNMENTAL RETIREES TO ENGAGE IN PART-TIME EMPLOYMENT WITHOUT AFFECTING RETIREMENT; TO PROVIDE FUNDING FOR THE IMPLEMENTATION OF THE SCHOOL BUSINESS SYSTEM MODERNIZATION PLAN; TO WAIVE MATCH REQUIREMENTS FOR A CERTAIN COMPETITIVE GRANT PROCESS FOR NONPROFITS; AND TO MAKE OTHER CHANGES.

The General Assembly of North Carolina enacts:

PART I. REVISIONS TO S.L. 2020-4

SECTION 1.1.(a) Section 2.3 of S.L. 2020-4 reads as rewritten:

"**SECTION 2.3.** The State Controller shall establish a Local Government Coronavirus Relief Reserve (Local Reserve) in the General Fund to maintain certain federal funds transferred from the Reserve established in Section 2.1 of this act that are eligible to mitigate the impact of the COVID-19 outbreak in North Carolina on the revenue of local governments. The State Controller shall transfer the sum of three hundred million dollars (\$300,000,000) from the Reserve to the Local Reserve. ~~It is the intent of the General Assembly to appropriate a sum of up to one hundred fifty million dollars (\$150,000,000) if local governments experience a revenue shortfall and the CARES Act, P.L. 116-136, is amended to allow the use of federal funds for that purpose.~~ Funds that are reserved in the Local Reserve do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution."

SECTION 1.1.(b) Section 3.1 of S.L. 2020-4, as amended by Section 1 of S.L. 2020-32, reads as rewritten:

"**SECTION 3.1.** Transfer of Funds from Reserves to Relief Fund. – The State Controller shall transfer the sum of ~~one billion five hundred seventy-five million nine hundred eighty-eight thousand twenty-nine dollars (\$1,575,988,029)~~ one billion seven hundred ninety-five million nine hundred eighty-eight thousand twenty-nine dollars (\$1,795,988,029) for the 2019-2020 fiscal year from the Reserve established in Section 2.1 of this act, and the sum of ~~one three hundred fifty million dollars (\$150,000,000)~~ (\$300,000,000) for the 2019-2020 fiscal year from the Local Government Coronavirus Relief Reserve established in Section 2.3 of this act, to the Fund established in Section 2.2 of this act."

SECTION 1.1.(c) Section 3.2 of S.L. 2020-4, as amended by Section 2 of S.L. 2020-32, reads as rewritten:

"**SECTION 3.2.** Appropriation of Funds from Relief Fund to OSBM. – There is appropriated from the Fund to OSBM the sum of ~~one billion seven hundred twenty-five million nine hundred eighty-eight thousand twenty-nine dollars (\$1,725,988,029)~~ two billion ninety-five million nine hundred eighty-eight thousand twenty-nine dollars (\$2,095,988,029) in nonrecurring funds for the 2019-2020 fiscal year to be allocated and used as provided in Section 3.3 of this act. The funds appropriated in this section shall not revert at the end of the 2019-2020 fiscal year but shall remain available to expend until December 30, 2020."

SECTION 1.1.(d) Section 3.3 of S.L. 2020-4 reads as rewritten:

"**SECTION 3.3.** Allocations of Funds. – OSBM shall allocate the funds appropriated in Section 3.2 of this act as follows:

- (50) \$4,800,000 to the University of North Carolina at Chapel Hill to be used for the UNC School of Medicine's Asheville Campus, a joint program between the UNC School of Medicine, other UNC System universities, and the Mountain Area Health Education Center for COVID-19 related response activities, including outreach and education.
- (65) \$3,000,000 to the University of North Carolina at Pembroke for an advanced analytics project focusing on providing a better understanding of the nature and impact of the COVID-19 pandemic, particularly in rural and at-risk communities.
- (66) \$2,000,000 to the University of North Carolina at Pembroke for the Department of Nursing in the College of Health Sciences for assistance with specialized medical and patient safety training to address the unique settings and procedures necessary when caring for COVID-19 patients in a variety of facility settings.

SECTION 3.6. Except as otherwise provided, this act is effective when it becomes law.

Appendix B: Significant UNC-Related Bills – 2020-21 Operating Budget Allocations

SESSION LAW 2020-78

SENATE BILL 681

(only UNC-related excerpts are shown due to length of bill)

AN ACT ENACTING AGENCY POLICY DIRECTIVES FOR THE 2019-2021 FISCAL BIENNIUM, CONSISTENT WITH CERTAIN POLICY DIRECTIVES IN RATIFIED HOUSE BILL 966 OF THE 2019 REGULAR SESSION; MODIFYING STAFFING IN THE OFFICE OF RECOVERY AND RESILIENCY; AND CLARIFYING THAT PARTIES TO AN INTERGOVERNMENTAL SUPPORT AGREEMENT WITH A MAJOR MILITARY INSTALLATION THAT OPERATES A PSAP MAY USE 911 FUNDS FOR NEXT GENERATION 911 SYSTEM COMPATIBILITY.

The General Assembly of North Carolina enacts:

PART III. THE UNIVERSITY OF NORTH CAROLINA SYSTEM

UNC REPORT ON STATE BUDGET ALLOCATIONS AND POLICIES

SECTION 3.1. G.S. 116-11 is amended by adding the following new subdivision to read:

"(9b) The Board of Governors shall report by February 1 of each year to the Joint Legislative Education Oversight Committee, the Senate Appropriations Committee on Education/Higher Education, the House of Representatives Appropriations Subcommittee on Education, and the Fiscal Research Division on the actions and adjustments necessary to its budgetary policies, regulations, and standards resulting from the Current Operations Appropriations Act for the administration and operation of The University of North Carolina and the distribution of State and federal funds to constituent institutions. The report shall include at least the following information for each constituent institution:

- a. Guidelines related to State salaries of University of North Carolina employees, including range, median, and mean of faculty salaries at the institution.
- b. Budget allocations and reductions, including for operating expenses and specific programs.
- c. Distribution of additional State allocations for enrollment funding.
- d. Use of State funds and budget flexibility.
- e. Availability of federal funds.
- f. Tuition and fees.
- g. Composition of the student population at the institution, including headcount enrollment and full-time student enrollment for both undergraduate and graduate students, and aggregate data on residency status, median household income, gender, race, and ethnicity.
- h. Student retention and graduation rates.
- i. Postsecondary educational attainment rate at the institution, including comparison to statewide data.
- j. A comparison to prior fiscal year expenditures and appropriations."

UNC SYSTEM OFFICE/CREATE SEARCHABLE DATABASE OF MILITARY CREDIT EQUIVALENCIES

SECTION 3.2. The University of North Carolina System Office, in collaboration with the North Carolina Community College System through the Military Credit Advisory Council, shall create a searchable database of military credit equivalencies to better serve military-affiliated students and to complete the initial phase of military credit evaluations.

PART III-A. UNIVERSITY/STATE EDUCATION ASSISTANCE AUTHORITY

NEED-BASED SCHOLARSHIPS FOR PRIVATE INSTITUTIONS/DEPENDENTS OF VETERANS AND ACTIVE DUTY MILITARY

SECTION 3A.1.(a) G.S. 116-281(3) reads as rewritten:

"(3) The student must meet at least one of the following:

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- a. Qualify as a legal resident of North Carolina and as a resident for tuition purposes under the criteria set forth in G.S. 116-143.1 and in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of The University of North Carolina.
- b. Be a veteran provided the veteran's abode is in North Carolina and the veteran provides the eligible private postsecondary institution a letter of intent to establish residency in North Carolina.
- c. Be an active duty member of the Armed Forces provided the member of the Armed Forces is abiding in this State incident to active military duty in this State.
- d. Be the dependent relative of a veteran who is abiding in North Carolina while sharing an abode with the veteran and the dependent relative provides the eligible private postsecondary institution a letter of intent to establish residency in North Carolina.
- e. Be the dependent relative of an active duty member of the Armed Forces who is abiding in North Carolina incident to active military duty while sharing an abode with the active duty member."

SECTION 3A.1.(b) This section applies beginning with the award of scholarships for the 2021-2022 academic year.

SESSION LAW 2020-70 SENATE BILL 208

AN ACT TO PROVIDE IMMUNITY FOR INSTITUTIONS OF HIGHER EDUCATION FOR CLAIMS RELATED TO COVID-19 CLOSURES FOR SPRING 2020.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 37.

"COVID-19 Immunity for Institutions of Higher Education.

"§ 116-310. Definitions.

The following definitions apply in this Article:

- (1) Claim. – A claim or cause of action seeking any legal or equitable remedy or relief.
- (2) COVID-19. – The coronavirus disease 2019.
- (3) COVID-19 emergency declaration. – Executive Order No. 116 issued March 10, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.
- (4) COVID-19 essential business executive order. – Executive Order No. 121 issued March 27, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.
- (5) Individual. – A person paying, or on whose behalf a third party is paying, tuition, fees, or room and board to an institution of higher education for the spring academic semester of 2020.
- (6) Institution of higher education. – Any of the following institutions, including the owners, directors, trustees, officers, employees, contractors, and agents of those institutions:
 - a. A constituent institution under the jurisdiction of The University of North Carolina.
 - b. A community college under the jurisdiction of the State Board of Community Colleges.
 - c. An eligible private postsecondary institution, as defined in G.S. 116-280(3).

"§ 116-311. Institutions of higher education; tuition liability limitation.

(a) Notwithstanding any other provision of law and subject to G.S. 116-312, an institution of higher education shall have immunity from claims by an individual, if all of the following apply:

- (1) The claim arises out of or is in connection with tuition or fees paid to the institution of higher education for the spring academic semester of 2020.
- (2) The claim alleges losses or damages arising from an act or omission by the institution of higher education during or in response to COVID-19, the COVID-19 emergency declaration, or the COVID-19 essential business executive order.
- (3) The alleged act or omission by the institution of higher education was reasonably related to protecting the public health, safety, or welfare in response to the COVID-19 emergency declaration, COVID-19

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essential business executive order, or applicable guidance from the Centers for Disease Control and Prevention.

(4) The institution of higher education offered remote learning options for enrolled students during the spring academic semester of 2020 that allowed students to complete the semester coursework.

(b) Subsection (a) of this section shall not apply to losses or damages that resulted solely from a breach of an express contractual provision allocating liability in the event of a pandemic event.

(c) Subsection (a) of this section shall not apply to losses or damages caused by an act or omission of the institution of higher education that was in bad faith or malicious.

"§ 116-312. Applicability.

This Article applies to alleged acts or omissions occurring on or after the issuance of the COVID-19 emergency declaration until June 1, 2020. The provisions of this Article shall be in addition to all other immunities provided by applicable State law.

"§ 116-313. Severability.

It is a matter of vital State concern affecting the public health, safety, and welfare that institutions of higher education continue to be able to fulfill their educational missions during the COVID-19 pandemic without civil liability for any acts or omissions for which immunity is provided in this Article. This Article shall be liberally construed to effectuate those public purposes. The provisions of this Article are severable. If any part of this Article is declared to be invalid by a court, the invalidity does not affect other parts of this Article that can be given effect without the invalid provision."

SECTION 2. This act is effective when it becomes law and applies to all actions commenced on or after March 27, 2020.

SESSION LAW 2020-74

HOUSE BILL 308

(only UNC-related excerpts are shown due to length of bill)

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

COLLABORATORY REPORTING CHANGES

SECTION 8.(a) Section 13.1(g) of S.L. 2018-5, as amended by Section 7(d) of S.L. 2019-241, reads as rewritten:

"SECTION 13.1.(g) The North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory) shall identify faculty expertise, technology, and instrumentation, including mass spectrometers, located within institutions of higher education in the State, including the Universities of North Carolina at Chapel Hill and Wilmington, North Carolina State University, North Carolina A&T State University, Duke University, and other public and private institutions, and coordinate these faculty and resources to conduct nontargeted analysis for PFAS, including GenX, at all public water supply surface water intakes and one public water supply well selected by each municipal water system that operates groundwater wells for public drinking water supplies as identified by the Department of Environmental Quality, to establish a water quality baseline for all sampling sites. The Collaboratory, in consultation with the participating institutions of higher education, shall establish a protocol for the baseline testing required by this subsection, as well as a protocol for periodic retesting of the municipal intakes and additional public water supply wells. No later than ~~October 15, 2020~~, April 15, 2021, the Collaboratory shall report the results of such sampling by identifying chemical families detected at each intake to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Environmental Review Commission, the Department of Environmental Quality, the Department of Health and Human Services, and the United States Environmental Protection Agency."

SECTION 8.(b) Section 2.1 of S.L. 2019-224, reads as rewritten:

"SECTION 2.1. Allocations. – The funds appropriated and reallocated in Part I of this act in the Hurricane Florence Disaster Recovery Fund shall be allocated as follows:

...

(8) \$10,160,000 to The University of North Carolina Board of Governors to be used as follows:

a. \$160,000 to the North Carolina Policy Collaboratory (Collaboratory) for the ModMon program.

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- b. \$2,000,000 to the Collaboratory to study flooding and resiliency against future storms in Eastern North Carolina and to develop an implementation plan with recommendations. The Collaboratory shall report the flooding and resiliency implementation plan to the Joint Legislative Emergency Management Oversight Committee no later than ~~December 1, 2020~~ June 1, 2021. Notwithstanding Section 3.1(c) of S.L. 2018-134, funds allocated to the Collaboratory as provided in this sub-subdivision shall revert on ~~December 30, 2020~~ June 30, 2021. The University of North Carolina shall not charge indirect facilities and administrative costs against the funding provided for the Collaboratory from the Hurricane Florence Disaster Recovery Fund.
- c. \$8,000,000 to the University of North Carolina Wilmington (UNC-W) for repairs and renovations to the Dobo Hall science building, which was damaged by Hurricane Florence.

...."

SECTION 8.(c) Section 11.8 of S.L. 2016-94 reads as rewritten:

"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 and other institutions of higher learning within North Carolina for practical use by State and local ~~government~~ government, although, wherever possible, funding preference may be given to campuses within The University of North Carolina System. Any funds appropriated by the General Assembly for use by the Collaboratory may not be used for indirect overhead costs. 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."

ALLOW A TEACHING HOSPITAL AFFILIATED WITH BUT NOT PART OF ANY CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIGN CAMPUS POLICE OFFICERS OF ITS CAMPUS LAW ENFORCEMENT AGENCY TO ANY OTHER FACILITY WITHIN THE TEACHING HOSPITAL'S SYSTEM NETWORK

SECTION 25. G.S. 116-40.5 is amended by adding a new subsection to read:

"(a1) Any teaching hospital having established a campus law enforcement agency pursuant to subsection (a) of this section may assign its campus police officers to any other facility within the teaching hospital's system network. Campus police officers assigned to any other facility within the teaching hospital's system network pursuant to this subsection shall have the same authority and jurisdiction exclusively upon the premises of the assigned facility, but not upon any portion of any public road or highway passing through the property of the facility or immediately adjoining it, as a campus police officer assigned to a teaching hospital under subsection (a) of this section."