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SESSION 2023

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SENATE BILL 411
Education/Higher Education Committee Substitute Adopted 4/18/23
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PROPOSED HOUSE COMMITTEE SUBSTITUTE S411-CSRQ-17 [v.1]
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Short Title: Various Education Changes.

(Public)

Sponsors:

Referred to:

March 30, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. MEDICAL CONDITION ACTION PLANS AND MEDICAL EMERGENCY**
6 **PLANS**

7 **SECTION 1.1.(a)** G.S. 115C-12 is amended by adding the following new
8 subdivisions to read:

9 "(50) Medical Condition Action Plan. – The State Board of Education shall adopt a
10 rule establishing a medical condition action plan as provided in
11 G.S. 115C-375.1 to be implemented by each public school unit for each
12 student at risk for a medical emergency as diagnosed by a doctor.

13 (51) Medical Emergency Plan. – The State Board of Education, in consultation
14 with the Department of Public Instruction and the Department of Health and
15 Human Services, shall adopt a rule establishing the required response of
16 public school unit employees when a student has a medical emergency not
17 otherwise covered by a medical condition action plan implemented in
18 accordance with G.S. 115C-375.1. The Department of Public Instruction shall
19 provide each public school unit with a copy of the rule, and each public school
20 unit shall implement the rule."

21 **SECTION 1.1.(b)** G.S. 115C-375.1 reads as rewritten:

22 **"§ 115C-375.1. To provide some medical care to ~~students~~ students and implement medical**
23 **condition action plans.**

24 (a) It is within the scope of duty of teachers, including substitute teachers, teacher
25 assistants, student teachers, or any other public school employee when authorized by the ~~board~~
26 ~~of education governing body~~ of a public school unit or its designee, (i) to administer any drugs
27 or medication prescribed by a doctor upon written request of the parents, ~~or as described in the~~
28 ~~medical condition action plan required by subsection (b) of this section,~~ (ii) to give emergency
29 health care when reasonably apparent circumstances indicate that any delay would seriously
30 worsen the physical condition or endanger the life of the ~~pupil, student,~~ and (iii) to perform any
31 other first aid or lifesaving techniques in which the employee has been trained in a program
32 approved by the State Board of Education. At least one public school unit employee per school
33 shall be trained in first aid and lifesaving techniques, including seizure recognition. No public



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1 school unit employee, however, other than a school administrator, shall be required to administer
2 drugs or medication or attend lifesaving techniques programs.

3 (b) Each governing body of a public school unit shall implement the medical condition
4 action plan adopted by the State Board of Education pursuant to G.S. 115C-12(49) for each
5 student at risk of a medical emergency as diagnosed by a doctor. The medical condition action
6 plan adopted by the State Board of Education shall include all of the following:

7 (1) A standard medical condition action plan form.

8 (2) Detailed instructions in the medical condition action plan form to ensure that
9 all individuals designated by the principal, or, if there is no principal, the staff
10 member with the highest decision-making authority, to provide medical care
11 for a student at risk for a medical emergency as diagnosed by a doctor, know
12 how to address the medical emergency.

13 (3) Information detailing the method by which and by whom any medical
14 emergency will be handled when the student is at a school-sponsored activity
15 that is not on the campus of the public school unit, including field trips and
16 interscholastic athletic activities.

17 (c) Any public school unit employee, authorized by the board of education governing
18 body of a public school unit or its designee to act under (i), (ii), or (iii) above, subsections (a)
19 and (b) of this section, shall not be liable in civil damages for any authorized act or for any
20 omission relating to that act unless the act or omission amounts to gross negligence, wanton
21 conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the request of
22 or with the permission or consent of the board of education governing body of a public school
23 unit or its designee, who has been given the authority by the board of education governing body
24 of a public school unit or its designee to act under (ii) above give emergency health care when
25 reasonably apparent circumstances indicate that any delay would seriously worsen the physical
26 condition or endanger the life of the student shall not be liable in civil damages for any authorized
27 act or for any omission relating to the act unless the act amounts to gross negligence, wanton
28 conduct, or intentional wrongdoing.

29 (d) At the commencement of each school year, but before the beginning of classes, and
30 thereafter as circumstances require, the principal of each school-school, or, if there is no principal,
31 the staff member with the highest decision-making authority, shall determine which persons will
32 participate in the medical care program."

33 **SECTION 1.1.(c)** The State Board of Education may adopt temporary rules to
34 implement this section.

35 **SECTION 1.2.(a)** G.S. 115C-47 is amended by adding the following new
36 subdivisions to read:

37 "(68) To Implement a Medical Condition Action Plan. – Local boards of education
38 shall implement the medical condition action plan adopted by the State Board
39 of Education under G.S. 115C-12(50) and as provided in G.S. 115C-375.1.

40 (69) To Implement a Medical Emergency Plan. – Local boards of education shall
41 implement the medical emergency plan adopted by the State Board of
42 Education under G.S. 115C-12(51)."

43 **SECTION 1.2.(b)** G.S. 115C-218.75 is amended by adding the following new
44 subsections to read:

45 "(e3) Medical Condition Action Plan. – A charter school shall implement the medical
46 condition action plan adopted by the State Board of Education under G.S. 115C-12(50) and as
47 provided in G.S. 115C-375.1.

48 (e4) Medical Emergency Plan. – A charter school shall implement the medical emergency
49 plan adopted by the State Board of Education under G.S. 115C-12(51)."

50 **SECTION 1.2.(c)** G.S. 115C-238.66 is amended by adding the following new
51 subdivisions to read:

1 "(7g) Medical condition action plan. – A regional school shall implement the
2 medical condition action plan adopted by the State Board of Education under
3 G.S. 115C-12(50) and as provided in G.S. 115C-375.1.

4 (7h) Medical emergency plan. – A regional school shall implement the medical
5 emergency plan adopted by the State Board of Education under
6 G.S. 115C-12(51)."

7 **SECTION 1.2.(d)** G.S. 116-239.8(b) is amended by adding the following new
8 subdivisions to read:

9 "(23) A laboratory school shall implement the medical condition action plan
10 adopted by the State Board of Education under G.S. 115C-12(50) and as
11 provided in G.S. 115C-375.1.

12 (24) A laboratory school shall implement the medical emergency plan adopted by
13 the State Board of Education under G.S. 115C-12(51)."

14 **SECTION 1.2.(e)** Subdivision (2) of Section 6(d) of S.L. 2018-32 is amended by
15 adding the following new sub-subdivisions to read:

16 "q. (68) [To Implement a Medical Condition Action Plan].

17 r. (69) [To Implement a Medical Emergency Plan]."

18 **SECTION 1.3.** This Part applies beginning with the 2023-2024 school year.
19

20 **PART II: ALLOW STUDENTS IN HOME SCHOOL TO PARTICIPATE IN**
21 **ADVANCED PLACEMENT (AP) EXAMS AND THE PRELIMINARY SCHOLASTIC**
22 **ASSESSMENT TEST (PSAT)**
23

24 **SECTION 2.(a)** G.S. 115C-174.18 reads as rewritten:

25 "**§ 115C-174.18. Opportunity to take Preliminary SAT/National Merit Scholarship**
26 **Qualifying Test (PSAT/NMSQT).**

27 Every student in the eighth through tenth grades who has completed Algebra I or who is in
28 the last month of Algebra I shall be given an opportunity to take a version of either the
29 Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) or the ~~PLAN~~
30 ~~precursor test to the ACT, PreACT test,~~ at the discretion of the local school administrative unit,
31 one time at no cost to the student. A student receiving instruction through a home school, as
32 provided by Part 3 of Article 39 of this Chapter, shall be eligible to participate in testing as
33 provided in G.S. 115C-565.1. The maximum amount of State funds used for this purpose shall
34 be the cost of the PSAT/NMSQT."

35 **SECTION 2.(b)** G.S. 115C-174.26(a) reads as rewritten:

36 "(a) It is the intent of the State to enhance accessibility and encourage students to enroll
37 in and successfully complete more rigorous advanced courses to enable success in postsecondary
38 education for all students. For the purposes of this section, an advanced course is an Advanced
39 Placement course, an International Baccalaureate Diploma Programme course, or a Cambridge
40 Advanced International Certificate of Education (AICE) course, including an AS-Level or
41 A-Level course. To attain this goal, to the extent funds are made available for this purpose,
42 students enrolled in public schools shall be exempt from paying any fees for administration of
43 examinations for advanced courses and registration fees for advanced courses in which the
44 student is enrolled regardless of the score the student achieves on an examination. A student
45 receiving instruction through a home school, as provided by Part 3 of Article 39 of this Chapter,
46 shall be eligible to participate in administration of examinations for advanced courses as provided
47 in G.S. 115C-565.1."

48 **SECTION 2.(c)** Part 3 of Article 39 of Chapter 115C of the General Statutes is
49 amended by adding a new section to read:

50 "**§ 115C-565.1. Eligibility to participate in certain testing administration in local school**
51 **administrative units.**

1 (a) A student enrolled in a home school shall be allowed to participate in the
2 administration of the Preliminary SAT/National Merit Scholarship Qualifying Test or the
3 PreACT test, as offered by the local school administrative unit in accordance with
4 G.S. 115C-174.18, as follows:

- 5 (1) The student may take the test at a school within the local school administrative
6 unit that the student would be assigned to if the student attended public school.
- 7 (2) The student shall have completed a course or test that shows equivalent
8 competency to passing Algebra I.
- 9 (3) The student's parent shall be charged the cost of the test by the local school
10 administrative unit.
- 11 (4) The student's parent, or other responsible adult designated by the parent, may
12 be required by the local school administrative unit to serve as a proctor in
13 order for the student to take the test, if the addition of the student would
14 prevent the local school administrative unit from meeting the required
15 proctor-student ratio for that test at that school.

16 (b) A student enrolled in a home school shall be allowed to take any advanced course
17 examination offered by a local school administrative unit in accordance with G.S. 115C-174.26,
18 as follows:

- 19 (1) The student may take the advanced course examination at a school within the
20 local school administrative unit that the student would have been assigned to
21 if the student attended public school.
- 22 (2) The student shall meet any requirements to take the advanced course
23 examination established by the organization issuing that examination and the
24 chief administrator of the home school. A local board of education shall not
25 require the student to complete a specific advanced course to take the related
26 examination.
- 27 (3) The student's parent shall be charged the cost of the test by the local school
28 administrative unit.
- 29 (4) The student's parent, or other responsible adult designated by the parent, may
30 be required by the local school administrative unit to serve as a proctor in
31 order for the student to take the advanced course examination, if the addition
32 of the student would prevent the local school administrative unit from meeting
33 the required proctor-student ratio for that examination at that school."

34 35 **PART III. ALLOW PARENT CHOICE IN NURSING SERVICE PROVIDERS** 36 **REQUIRED BY AN INDIVIDUALIZED EDUCATION PROGRAM** 37

38 **SECTION 3.(a) G.S. 115C-111.2 reads as rewritten:**

39 **"§ 115C-111.2. Contracts with private service providers.**

40 (a) Local educational agencies furnishing special education and related services to
41 children with disabilities may contract with private special education facilities or service
42 providers to furnish any of these services that the public providers are unable to furnish.

43 (b) As used in this subsection, "nursing services" are services that may only be provided
44 by a nurse. When providing nursing services pursuant to a child's IEP, local educational agencies
45 shall make available the parent's choice of nurse if all of the following apply:

- 46 (1) The child's IEP requires nursing services.
- 47 (2) The child received nursing services from the nurse (i) prior to the nursing
48 services being required by the child's IEP or (ii) prior to the child enrolling in
49 his or her current school.
- 50 (3) The parent's choice of nurse is employed by a nursing agency and willing to
51 provide the nursing services required by the child's IEP.

1 (4) The nursing agency employing the parent's choice of nurse meets all standard
2 contract terms required for any other nursing agency contracted by the local
3 educational agency, including licensing and liability requirements.

4 (5) The contracted rate is equal to or less than the contracted rate of other nurses
5 contracted by the local educational agency.

6 (c) This section shall not be construed to limit the local educational agency's
7 responsibility to provide a free appropriate public education."

8 **SECTION 3.(b)** This section applies beginning with the 2023-2024 school year.
9

10 **PART IV. ALLOW LICENSED REGISTERED NURSES TO BE EMPLOYED AS**
11 **SCHOOL NURSES**

12 **SECTION 4.(a)** G.S. 115C-315(d1) reads as rewritten:

13 "(d1) School Nurses. – Any person licensed as a registered nurse under Article 9A of
14 Chapter 90 of the General Statutes who has at least two years of licensed experience in a hospital
15 or health clinic may be employed as a school nurse and shall not be required to possess or promise
16 to obtain any other certification or license as a condition of employment in that role. School
17 nurses not certified by a national organization recognized by the State Board of Education shall
18 continue to be paid based on the noncertified nurse salary range as established by the State
19 Board."

20 **SECTION 4.(b)** The State Board of Education has authority to adopt temporary rules
21 to enact the provisions of this act until such a time as permanent rules are adopted.
22

23 **PART V. EFFECTIVE DATE**

24 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
25 law.