

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

**2017 Bill Text NC H.B. 90**

Enrolled, February 13, 2018

**Reporter**

2017 Bill Text NC H.B. 90

**Notice**

---

**Added:** Text highlighted in green

**Deleted:** ~~Red text with a strikethrough~~

**THE STATE OF NORTH CAROLINA BILL TEXT > NORTH CAROLINA GENERAL ASSEMBLY OF NORTH CAROLINA - SESSION OF 2017 > HOUSE BILL 90**

**Synopsis**

---

AN ACT TO PROVIDE ADDITIONAL FUNDS TO SCHOOLS LOCATED IN COUNTIES THROUGH WHICH THE ATLANTIC COAST PIPELINE RUNS; TO PHASE IN CLASS SIZE REQUIREMENTS OVER FOUR YEARS; TO CREATE AN ALLOTMENT FOR PROGRAM ENHANCEMENT TEACHERS; TO MODIFY TRANSFER REQUIREMENTS FOR THE CLASSROOM TEACHER AND PROGRAM ENHANCEMENT TEACHER ALLOTMENTS; TO PHASE IN FUNDING OF PROGRAM ENHANCEMENT TEACHERS STARTING IN 2018-2019; TO MAKE CHANGES TO PERSONAL EDUCATION SAVINGS ACCOUNTS; TO APPROPRIATE FUNDS FOR THE NC PRE-K PROGRAM IN FUTURE YEARS; AND TO IMPLEMENT THE NORTH CAROLINA SUPREME COURT'S HOLDING IN COOPER V. BERGER BY GIVING THE GOVERNOR INCREASED CONTROL OVER THE BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT.

**Text**

---

*The General Assembly of North Carolina enacts:*

...

**PART VI. CHANGES TO PERSONAL EDUCATION SAVINGS ACCOUNTS**

SECTION 6.(a) G.S. 115C-591(3) reads as rewritten:

"(3) Eligible student. - A student residing in North Carolina who has not yet received a high school diploma and who meets all of the following requirements:

a. ~~Meets one of the following criteria:~~ IS ELIGIBLE TO ATTEND A NORTH CAROLINA PUBLIC SCHOOL PURSUANT TO G.S. 115C-366.

~~1. Was a full-time student (i) assigned to and attending a public school pursuant to G.S. 115C-366 or (ii) enrolled in a Department of Defense Elementary and Secondary School;~~

~~established pursuant to 10 U.S.C. Section 2164 and located in North Carolina, during the previous semester.~~

~~2. Received scholarship funds for a personal education savings account during the previous school year.~~

~~3. Is entering either kindergarten or the first grade.~~

~~4. Is a child in foster care, as defined in G.S. 131D-10.2(9).~~

~~5. Is a child whose adoption decree was entered not more than one year prior to submission of the scholarship application.~~

~~6. Is a child whose parent or legal guardian is on full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 12301, et seq., and 10 U.S.C. Section 12401, et seq.~~

~~7. Is a child enrolled part time in a public school and part time in a nonpublic school that exclusively provides services for children with disabilities.~~

b. Has not enrolled in a postsecondary institution in a matriculated status eligible for enrollment for 12 hours of academic credit.

c. Is a child with a disability, as defined in G.S. 115C-106.3(1), including, for example, intellectual disability, hearing impairment, speech or language impairment, visual impairment, serious emotional disturbance, orthopedic impairment, autism, traumatic brain injury, other health impairments, specific learning disability, or disability as may be required to be included under IDEA.

d. HAS NOT BEEN PLACED IN A NONPUBLIC SCHOOL OR FACILITY BY A PUBLIC AGENCY AT PUBLIC EXPENSE. "

SECTION 6.(b) G.S. 115C-591 is amended by adding a new subdivision to read:

" (5A) PART-TIME STUDENT. - A CHILD ENROLLED PART TIME IN A PUBLIC SCHOOL AND PART TIME IN A NONPUBLIC SCHOOL THAT EXCLUSIVELY PROVIDES SERVICES FOR CHILDREN WITH DISABILITIES. "

SECTION 6.(c)G.S. 115C-592(b) reads as rewritten:

"(b) Scholarship Awards. - Scholarships shall be awarded each year for an amount not to exceed nine thousand dollars (\$ 9,000) per eligible student for the fiscal year in which the application is ~~received.~~ RECEIVED, EXCEPT FOR ELIGIBLE PART-TIME STUDENTS, WHO SHALL BE AWARDED SCHOLARSHIPS EACH YEAR FOR AN AMOUNT NOT TO EXCEED FOUR THOUSAND FIVE HUNDRED DOLLARS (\$ 4,500) PER ELIGIBLE STUDENT FOR THE FISCAL YEAR IN WHICH THE APPLICATION IS RECEIVED. Recipients shall receive scholarship funds deposited in equal amounts to a PESA in each quarter of the fiscal year. The first deposit of funds to a PESA shall be subject to the execution of the parental agreement required by G.S. 115C-595. The parent shall then receive a debit card with the prepaid funds loaded on the card at the beginning of the fiscal year. After the initial disbursement of funds, each subsequent, quarterly disbursement of funds shall be subject to the submission by the parent of an

expense report. The expense report shall be submitted electronically and shall include documentation that the student received an education, as described in G.S. 115C-595(a)(1), for no less than 35 days of the applicable quarter. The debit card shall be renewed upon the receipt of the parental agreement under G.S. 115C-595 for recipients awarded scholarship funds in subsequent fiscal years. Any funds remaining on the card at the end of the fiscal year may be carried forward to the next fiscal year if the card is renewed. Any funds remaining on the card if an agreement is not renewed shall be returned to the Authority."

SECTION 6.(d) G.S. 115C-595(a)(2) reads as rewritten:

"(2) Unless the student is ~~an eligible student pursuant to G.S. 115C-591(3)a.7.,~~ **A PART-TIME ELIGIBLE STUDENT,** release a local education agency in which the student is eligible to attend under G.S. 115C-366 of all obligations to educate the eligible student while the eligible student is receiving scholarship funds under this Article. A parent of a student, ~~other than a student who is an eligible student pursuant to G.S. 115C-591(3)a.7.,~~ **OTHER THAN A PART-TIME ELIGIBLE STUDENT,** who decides to enroll the student into the local education agency or other North Carolina public school during the term of the agreement shall notify the Authority to request a release from the agreement and shall return any unexpended funds to the Authority."

SECTION 6.(e) Notwithstanding G.S. 115C-592(a), for the 2018-2019 school year only, the State Education Assistance Authority shall give priority in award of scholarships to applicants with one or more of the following disabilities:

- (1) Autism.
- (2) Developmental disability.
- (3) Hearing impairment.
- (4) Moderate or severe intellectual disability.
- (5) Multiple, permanent orthopedic impairments.
- (6) Visual impairment.

...

## **PART IX. EFFECTIVE DATE**

SECTION 9. Except as otherwise provided herein, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of February, 2018.

### **History**

---

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017  
HOUSE BILL 90  
RATIFIED BILL