

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 749
Apr 10, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH10287-MK-120 (03/28)

Short Title: Local School Flexibility. (Public)

Sponsors: Representatives Lambeth and Hanes (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THE OPTION FOR A LOCAL BOARD OF EDUCATION TO
3 APPLY TO THE STATE BOARD OF EDUCATION FOR FLEXIBILITY IN THE
4 OPERATION OF ONE OR MORE OF THE SCHOOLS IN THE LOCAL SCHOOL
5 ADMINISTRATIVE UNIT.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 16 of Chapter 115C of the General Statutes is amended by
8 adding a new Part to read:

9 "Part 11. Local Board of Education Flexibility in the Operation of Schools.

10 **"§ 115C-238.74. Purpose.**

11 (a) The purpose of this Part is to authorize local boards of education to establish one or
12 more schools in the local school administrative unit as satellite schools to expand student
13 opportunities for educational success through high-quality, innovative instructional
14 programming.

15 (b) Except as otherwise provided in this Part and pursuant to the provisions of its
16 agreement with the State Board of Education, a satellite school is exempt from statutes and
17 rules applicable to other public schools located in the local school administrative unit.

18 (c) For the purposes of this Article, a "satellite school" is a school approved by the State
19 Board of Education under G.S. 115C-238.75.

20 **"§ 115C-238.75. Local board of education application; submission of applications for**
21 **State Board approval.**

22 (a) Any local board of education seeking to establish one or more satellite schools may
23 apply to the State Board of Education to establish a school in the local school administrative
24 unit. Prior to submitting its application, the local board of education shall adopt a resolution
25 stating its intent to establish one or more satellite schools. If the local board of education seeks
26 to convert a school to a satellite school, the application shall include a statement signed by a
27 majority of the teachers and instructional support personnel currently employed at the school
28 indicating that they favor the conversion and evidence that a significant number of parents of
29 children enrolled in the school favor conversion.

30 (b) An application submitted by the local board of education shall contain at least the
31 following information pertaining to all of the schools it seeks to establish as satellite schools:

32 (1) The resolution adopted by the local board of education.

33 (2) A description of a program that the local board of education intends to
34 operate in the school.



- 1 (3) A description of student achievement goals for the school's educational
2 program and the method of demonstrating that students have attained the
3 skills and knowledge specified for those student achievement goals.
4 (4) The composition of a school committee with five to nine members to act as
5 the advisory committee to the local board of education.
6 (5) The process to be followed by the school to ensure parental involvement.
7 (6) Admission policies and procedures.
8 (7) A proposed budget for the school, including any proposed salary or benefit
9 changes and staffing changes involving current school employees, and
10 evidence that the financial plan for the district charter school is economically
11 sound.
12 (8) Requirements and procedures for program and financial audits.
13 (9) The terms of the agreement with the State Board of Education.
14 (10) The qualifications required for individuals employed by the school.
15 (11) The procedures by which students can be excluded from the school and
16 returned to another public school located in the local school administrative
17 unit. Notwithstanding any law to the contrary, any local board of education
18 may refuse to admit to another public school any student who is suspended
19 or expelled from a satellite school due to actions that would lead to
20 suspension or expulsion from a public school under G.S. 115C-390.5
21 through G.S. 115C-390.11 until the period of suspension or expulsion has
22 expired.
23 (12) The number of students to be served, which number shall be at least 65, and
24 the minimum number of teachers to be employed at the school, which
25 number shall be at least three. However, the school may serve fewer than 65
26 students or employ fewer than three teachers if the application contains a
27 compelling reason, such as the school would serve a geographically remote
28 and small student population.
29 (13) Information regarding the facilities to be used by the school and the manner
30 in which administrative services of the school are to be provided.

31 (c) The local board of education shall submit an application to the State Board of
32 Education for approval of a satellite school by April 1 prior to the school year in which the
33 school shall operate as a satellite school. The State Board shall review and respond to the local
34 board of education's application within 45 days of receipt.

35 (d) A satellite school approved by the State Board of Education shall operate under a
36 written agreement signed by the local board of education and the State Board of Education. The
37 agreement shall incorporate the information provided in the application, as modified during the
38 approval process, and any terms and conditions imposed on the local board of education by the
39 State Board.

40 "**§ 115C-238.76. Operation of satellite schools.**

41 (a) Academic Program. –

- 42 (1) The local board of education shall establish the standard course of study for
43 the school. This course of study shall set forth the subjects to be taught in
44 each grade and the texts and other educational materials on each subject to
45 be used in each grade. The local board shall design its programs to meet at
46 least the student performance standards adopted by the State Board of
47 Education and the student performance standards contained in this Chapter.
48 (2) The local board of education shall conduct student assessments required by
49 the State Board of Education.
50 (3) The local board of education shall provide the opportunity to earn or obtain
51 credit toward degrees from a community college, subject to Chapter 115D of

1 the General Statutes or a constituent institution of The University of North
2 Carolina.

3 (4) The local board of education shall adopt a school calendar consisting of a
4 minimum of 185 days or 1,025 hours of instruction covering at least nine
5 calendar months.

6 (b) Standards of Performance and Conduct. – The local board of education shall
7 establish policies and standards for academic performance, attendance, and conduct for
8 students of the school. The policies of the local board shall comply with Article 27 of this
9 Chapter.

10 (c) School Attendance. – Every parent, guardian, or other person in this State having
11 charge or control of a child who is enrolled in the school and who is less than 16 years of age
12 shall cause such child to attend school continuously for a period equal to the time that the
13 school shall be in session. No person shall encourage, entice, or counsel any child to be
14 unlawfully absent from the school. Any person who aids or abets a student's unlawful absence
15 from the school shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal of
16 the school shall be responsible for implementing such additional policies concerning
17 compulsory attendance as shall be adopted by the local board of education, including
18 regulations concerning lawful and unlawful absences, permissible excuses for temporary
19 absences, maintenance of attendance records, and attendance counseling.

20 (d) Reporting. – The local board of education shall comply with the reporting
21 requirements established by the State Board of Education in the Uniform Education Reporting
22 System.

23 (e) Education of Children With Disabilities. – The local board of education shall
24 require compliance with laws and policies relating to the education of children with disabilities.

25 (f) Health and Safety. – The local board of education shall require that the school meet
26 the same health and safety standards as other schools located in the local school administrative
27 unit.

28 (g) Driving Eligibility Certificates. – The local board of education shall apply the rules
29 and policies established by the State Board of Education for issuance of driving eligibility
30 certificates.

31 (h) Purchasing and Contracts. – The local board of education shall comply with the
32 purchasing and contract statutes and regulations applicable to other schools located in the local
33 school administrative unit.

34 (i) North Carolina School Report Cards. – A satellite school shall ensure that the report
35 card issued for it by the State Board of Education receives wide distribution to the local press
36 or is otherwise provided to the public. A satellite school shall ensure that the overall school
37 performance score and grade earned by the school for the current and previous four school
38 years is prominently displayed on the school Web site. If a school is awarded a grade of D or F,
39 the school shall provide notice of the grade in writing to the parents or guardians of all students
40 enrolled in that school.

41 **§ 115C-238.77. Review of operation and student performance by the State Board of**
42 **Education; termination of status.**

43 (a) The State Board of Education shall review the operation and student performance of
44 a satellite school at least once every five years to ensure that the school is meeting the expected
45 academic, financial, and governance standards set forth in the local board of education's
46 agreement and applicable State Board rules.

47 (1) If a satellite school is inadequate in the first five years, the local board of
48 education shall develop a strategic plan to meet specific goals for student
49 performance that are consistent with State Board of Education criteria. The
50 strategic plan shall be reviewed and approved by the State Board. The State

1 Board is authorized to terminate the satellite school's status for failure to
2 demonstrate improvement under the strategic plan.

3 (2) If the satellite school is inadequate for more than five years, the State Board
4 of Education is authorized to terminate the satellite school's status.

5 (b) Upon termination of a satellite school's status by the State Board of Education, the
6 local board of education shall revert to operating the school in accordance with applicable State
7 laws and regulations for other schools in the local school administrative unit. The State Board
8 shall adopt rules for reversion.

9 **"§ 115C-238.78. Student admissions and assignment.**

10 (a) Admissions Preference. – A satellite school shall give preference for admission to
11 any child who is qualified under the laws of this State for admission to the local school
12 administrative unit before permitting enrollment of nondomiciled students.

13 (b) Admissions Criteria. – The board of directors shall establish criteria, standards, and
14 procedures for admission of students.

15 (c) Lottery. – If the number of eligible students meeting the local board of education's
16 admission criteria exceeds the seats available, students shall be accepted by lot.

17 **"§ 115C-238.79. Employees.**

18 The local board of education shall appoint all licensed and nonlicensed staff.

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

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

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

- 1 (4) Nonlicensed staff. – The local board of education also may employ
2 necessary employees who are not required to hold teacher licenses to
3 perform duties other than teaching and may contract for other services.
4 (5) Employment dismissal. – The local board of education may discharge
5 licensed and nonlicensed employees according to the terms of the
6 employment contract.
7 (6) Employee benefits. – Employees at the satellite school shall participate in
8 the Teachers' and State Employees' Retirement System and the State Health
9 Plan on the same terms as other employees employed by the local board of
10 education.
11 (7) Exemptions. – Employees at the satellite school shall be exempt from
12 Chapter 126 of the General Statutes, except Articles 6 and 7.

13 **"§ 115C-238.80. State and local funds.**

14 A satellite school shall receive State and local funds in the same manner as other schools
15 located in the local school administrative unit in accordance with this Chapter.

16 **"§ 115C-238.81. Transportation and food services.**

17 (a) Transportation. – The local board of education shall develop a plan to provide
18 transportation to the students domiciled in the district.

19 (b) Food Service. – The local school administrative unit shall provide, to the extent
20 practicable, school food services to the satellite school. For purposes of federal funding through
21 the National School Lunch Program or other federally supported food service programs, the
22 local school administrative unit shall be permitted to include eligible students enrolled in the
23 satellite school.

24 **"§ 115C-238.82. Criminal history record checks.**

25 Employees of a satellite school shall be subject to a criminal history check in accordance
26 with G.S. 115C-332."

27 **SECTION 2.** This act is effective when it becomes law and applies beginning with
28 the 2013-2014 school year.