

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 988  
May 22, 2018  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50108-MKz-178A\*

Short Title: Extend Pilot/Virtual Charter Schools. (Public)

Sponsors: Representatives Horn, Elmore, Blackwell, and Johnson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE VIRTUAL CHARTER SCHOOL PILOT PROGRAM FOR FOUR  
3 MORE SCHOOL YEARS, AS RECOMMENDED BY THE JOINT LEGISLATIVE  
4 EDUCATION OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L.  
7 2016-94, reads as rewritten:

8 "VIRTUAL CHARTER SCHOOL PILOT PROGRAM

9 "SECTION 8.35.(a) Notwithstanding ~~G.S. 115C-238.29D~~ G.S. 115C-218.5 or any other  
10 provision of law to the contrary, the State Board of Education shall establish a pilot program to  
11 authorize the operation of two virtual charter schools serving students in kindergarten through  
12 twelfth grade. The State Board shall establish an application process to allow student enrollment  
13 in the selected virtual charter schools beginning with the 2015-2016 school year. A virtual charter  
14 school participating in the pilot may serve any grade span of students in kindergarten through  
15 twelfth grade. The pilot program shall continue for a period of ~~four~~ eight school years and shall  
16 end with the ~~2018-2019-2022-2023~~ school year.

17 "SECTION 8.35.(b) The virtual charter schools participating in the pilot program authorized  
18 by this section shall be subject to the statutes and rules applicable to charter schools pursuant to  
19 ~~Part 6A of Article 16-14A~~ of Chapter 115C of the General Statutes, except as follows:

- 20 (1) The maximum student enrollment in any participating school shall be no  
21 greater than 1,500 in its first year of operation and may increase by twenty  
22 percent (20%) for each participating school up to a maximum student  
23 enrollment of 2,592 in the fourth year of the pilot. The State Board of  
24 Education may waive this maximum student enrollment threshold, beginning  
25 in the fourth year of the school's operation, if the State Board determines that  
26 doing so would be in the best interest of North Carolina students.
- 27 (2) The maximum overall ratio of teachers to students for kindergarten through  
28 eighth grade shall be 1:50, and for ninth through twelfth grade shall be 1:150.
- 29 (3) A student who regularly fails to participate in courses may be withdrawn from  
30 enrollment pursuant to procedures adopted by the virtual charter school. The  
31 procedures adopted by the virtual charter school shall ensure that (i) fair notice  
32 is provided to the parent and student and (ii) an opportunity is provided, prior  
33 to withdrawal of the student by the school, for the student and parent to  
34 demonstrate that failure to participate in courses is due to a lawful absence  
35 recognized under Part I of Article 26 of Chapter 115C of the General Statutes  
36 and any applicable rules adopted by the State Board of Education.



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1 "SECTION 8.35.(c) In addition to the operating requirements applicable to a virtual charter  
2 school participating in the pilot program pursuant to ~~Part 6A of Article 16-14A~~ of Chapter 115C  
3 of the General Statutes, the following requirements shall apply to a participating virtual charter  
4 school:

- 5 (1) The school shall maintain an administrative office within North Carolina. In  
6 addition, the school shall maintain at least one testing center or meeting place  
7 within each of the eight State Board of Education districts where the  
8 participating students reside, to allow educators and administrators from the  
9 school to meet students and parents. When utilizing the testing center or  
10 meeting place for test administration, the school is permitted to do the  
11 following:
- 12 a. Administer tests to multiple grade levels at the same time and location.
  - 13 b. Contract with a test administrator who is not employed by the board  
14 of directors of the school and meets the following criteria:
    - 15 1. Holds a valid, North Carolina educator license.
    - 16 2. Passes a criminal history check as defined in  
17 G.S. 115C-332(a)(1) performed by the school.
    - 18 3. Is trained on test administration in accordance with the North  
19 Carolina Testing Program.
  - 20 (2) If the school contracts with a third party for the provision of administrative  
21 staff, such staff fulfilling the equivalent positions of superintendent, principal,  
22 or business officer shall be residents of North Carolina.
  - 23 (3) All teaching staff shall carry the appropriate State certification to instruct any  
24 course and shall receive professional development in virtual instruction  
25 pursuant to the school's application to the State Board of Education to  
26 participate in the pilot program within 30 days of the employee's date of hire.  
27 At least eighty percent (80%) of the teaching staff shall reside within North  
28 Carolina.
  - 29 (4) The school shall have a withdrawal rate below twenty-five percent (25%). A  
30 student who meets any of the following criteria shall not be counted in  
31 measuring the school's withdrawal rate:
    - 32 a. A student enrolled in a school with the intent expressed prior to  
33 enrollment of only being enrolled for a finite period of time within the  
34 school year. The school shall keep a written record of a student's stated  
35 intent for finite enrollment.
    - 36 b. A student who is withdrawn from the school pursuant to subdivision  
37 (3) of subsection (b) of this section.
    - 38 c. A student who is no longer qualified under the laws of this State for  
39 admission to a public school in North Carolina, including due to the  
40 student relocating to another state.
    - 41 d. A student who (i) withdraws from the school for a family, personal, or  
42 medical reason and (ii) notifies the school of the reason for  
43 withdrawal. The school shall keep a written record of a student's stated  
44 reason for withdrawal under this sub-subdivision.
    - 45 e. A student who withdraws from the school within the first 30 days  
46 following the date of the student's enrollment.
  - 47 (4a) A count of school attendance shall be taken at least once during each semester  
48 for funding purposes.
  - 49 (5) The school shall ensure that each student is assigned a learning coach. The  
50 learning coach shall provide (i) daily support and supervision of students, (ii)

1 ensure student participation in online lessons, and (iii) coordinate teacher-led  
2 instructional sessions and State assessments.

3 **"SECTION 8.35.(d)** Notwithstanding ~~G.S. 115C-238.29B~~G.S. 115C-218.1 and  
4 ~~G.S. 115C-238.29D~~G.S. 115C-218.5, a participating virtual charter school that is successful in  
5 meeting the requirements of this section and the applicable requirements of ~~Part 6A~~ of Article  
6 ~~1614A~~ of Chapter 115C of the General Statutes during the period of the pilot program shall be  
7 eligible to be approved by the State Board of Education, at its discretion, without additional  
8 application requirements.

9 **"SECTION 8.35.(e)** The State Board of Education shall provide State funding to a virtual  
10 charter school participating in the pilot program as provided in ~~G.S. 115C-238.29H(a)~~  
11 G.S. 115C-218.105(a) and ~~G.S. 115C-238.29H(a1)~~G.S. 115C-218.105(b). The amount  
12 allocated pursuant to ~~G.S. 115C-238.29H(a)(1)~~G.S. 115C-218.105(a)(1) shall not, however,  
13 include the allocation for low-wealth counties supplemental funding and the allocation for small  
14 county supplemental funding. Virtual charter schools participating in the pilot program shall also  
15 be subject to the requirements in ~~G.S. 115C-238.29H(b)~~G.S. 115C-218.105(c) through  
16 ~~G.S. 115C-238.29H(d)~~G.S. 115C-218.105(e). The amount of local funds provided to  
17 participating schools pursuant to ~~G.S. 115C-238.29H(b)~~G.S. 115C-218.105(c) shall be the lesser  
18 of seven hundred ninety dollars (\$790.00) per pupil or the amount computed in accordance with  
19 ~~G.S. 115C-238.29H(b)~~G.S. 115C-218.105(c).

20 **"SECTION 8.35.(f)** A participating virtual charter school that does not comply with the  
21 provisions of this section may result in deferment or termination of enrollment expansion, or  
22 termination of a pilot. Schools are subject to presentation of data to the State Board of Education  
23 at the call of the Chair of the State Board with a minimum of 21 days' notice.

24 **"SECTION 8.35.(g)** The State Board shall report on the initial implementation of the pilot  
25 program to the Joint Legislative Education Oversight Committee by November 15, 2016, and on  
26 findings from ~~three~~(i) five years of operation of the pilot program by November 15, ~~2018-2020~~,  
27 and (ii) seven years of operation of the pilot program by November 15, 2022. At a minimum, the  
28 ~~report~~reports shall include the following:

- 29 (1) The number of students who have enrolled in courses offered by the schools.
- 30 (2) The number and type of courses offered by the schools.
- 31 (3) The withdrawal rate of students after enrollment.
- 32 (4) Student performance and accountability data.
- 33 (5) Information on the implementation, administration, and funding for the pilot  
34 program.
- 35 (6) Recommendations on the modification, continuation, and potential expansion  
36 of the program."

37 **SECTION 2.** This act is effective when it becomes law.