

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 671
Education/Higher Education Committee Substitute Adopted 4/28/21
PROPOSED HOUSE COMMITTEE SUBSTITUTE S671-PCS45582-TC-67

Short Title: Virtual Educ./Remote Acad./Virtual Charters.

(Public)

Sponsors:

Referred to:

April 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR VIRTUAL EDUCATION IN PUBLIC SCHOOL UNITS IN
3 EMERGENCY CIRCUMSTANCES, TO PROVIDE FOR REMOTE ACADEMIES IN
4 PUBLIC SCHOOL UNITS, AND TO TRANSITION THE VIRTUAL CHARTER
5 SCHOOL PILOT.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. VIRTUAL EDUCATION**

9 **SECTION 1.(a)** G.S. 115C-84.3(c) reads as rewritten:

10 "(c) Except as provided in Part 3A of Article 16 of this Chapter or subsection (b) of this
11 section, a public school unit shall not use remote instruction to satisfy the minimum required
12 number of instructional days or hours for the school calendar."

13 **SECTION 1.(b)** Section 3(i) of S.L. 2021-130 reads as rewritten:

14 **"SECTION 3.(i)** This section is effective when it becomes law and applies ~~to beginning~~
15 with the 2021-2022 school year. This section is repealed June 30, 2022."

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17 **PART II. REMOTE ACADEMIES**

18 **SECTION 2.(a)** Article 16 of Chapter 115C of the General Statutes is amended by
19 adding a new Part to read:

20 "Part 3A. Remote Academies.

21 **"§ 115C-234. Remote academies.**

22 (a) A public school unit may apply to the State Board of Education for approval of remote
23 academies that meet the requirements of this Part.

24 (b) A remote academy is a public school whose instruction is provided primarily online
25 through a combination of synchronous and asynchronous learning. A remote academy may
26 include any combination of grade levels.

27 (c) A public school unit shall not provide the majority of instructional hours through
28 remote instruction, as defined in G.S. 115C-84.3, in a public school except as provided in this
29 Part.

30 **"§ 115C-234.5. Remote academy enrollment.**

31 (a) A student shall not be assigned to attend a remote academy without parental consent.
32 A public school unit shall require an application to secure parental consent prior to enrollment of
33 a student in a remote academy.



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1 **(b) A public school unit shall identify characteristics for successful remote learning and**
2 **establish criteria for admittance to a remote academy and shall make that information available**
3 **to parents.**

4 **(c) A student may not be denied admission to a remote academy solely on the basis that**
5 **the student is a child with a disability. If a student is admitted to a remote academy, that student's**
6 **IEP team, as defined in G.S. 115C-106.3, or section 504 team, 29 U.S.C. § 794, must plan for a**
7 **successful student entry and accommodations necessary to provide for a free appropriate public**
8 **education in the remote academy.**

9 **(d) The following requirements for remote academies apply only to local school**
10 **administrative units:**

11 **(1) A local school administrative unit shall limit total enrollment in all remote**
12 **academies to no more than fifteen percent (15%) of the total student**
13 **enrollment of that unit.**

14 **(2) A local school administrative unit may reassign a student to an in-person**
15 **school within that unit during the school year if the local board of education**
16 **determines that an in-person school would better ensure academic success for**
17 **that student. The local board of education may delegate this authority to the**
18 **superintendent.**

19 **(3) A remote academy in a local school administrative unit shall comply with the**
20 **requirements of G.S. 115C-301 with regards to class size.**

21 **"§ 115C-234.10. Remote academy requirements.**

22 **(a) Except as provided in this Part, a remote academy shall meet all requirements for that**
23 **type of public school that are required in this Chapter.**

24 **(b) A remote academy shall provide all of the following to enrolled students:**

25 **(1) Any hardware and software needed to participate in the remote academy.**
26 **Students may not be charged rental fees but may be charged damage fees for**
27 **abuse or loss of hardware or software under rules adopted by the State Board**
28 **of Education.**

29 **(2) Access to a learning management platform that enables monitoring of student**
30 **performance and school-owned devices, as well as allows video conferencing**
31 **and supervised text-based chat for synchronous communication.**

32 **(3) Access to the internet that is available during instructional hours, evenings,**
33 **and weekends.**

34 **(4) Technical support that is available during instructional hours.**

35 **(5) For children with an individualized education program (IEP), as defined in**
36 **G.S. 115C-106.3, or a section 504 plan, 29 U.S.C. § 794, adaptive or assistive**
37 **devices, transportation, and in-person services as required by that program or**
38 **plan.**

39 **(c) A remote academy may require students to attend in-person to fulfill State-mandated**
40 **student assessments or graduation requirements. A remote academy may conduct optional**
41 **in-person meetings between students and instructors or parents and instructors at a public school**
42 **facility.**

43 **(d) The employees of a remote academy shall meet the same licensure and evaluation**
44 **requirements as required for in-person employees of that type of public school. The remote**
45 **academy shall ensure sufficient digital teaching and learning support staff, including, at a**
46 **minimum, the following:**

47 **(1) An instructional technology facilitator.**

48 **(2) A school library media coordinator.**

49 **(3) A data manager.**

50 **(4) Sufficient remote technicians to ensure technical support throughout the**
51 **instructional day for staff and students.**

1 **"§ 115C-234.15. Remote academy approval process.**

2 (a) Each governing body seeking to offer a remote academy shall submit to the State
3 Board of Education for approval a plan that provides for the following:

- 4 (1) The range of grades for which the remote academy will offer courses.
5 (2) The method by which the remote academy will monitor calendar compliance,
6 enrollment, daily attendance, course credit accrual, progress toward
7 graduation, and course completion.
8 (3) Hardware, software, and learning management platforms that support online
9 learning.
10 (4) The measures used to ensure that both synchronous and asynchronous remote
11 instruction time, practice, and application components support learning
12 growth that continues towards mastery of the standard course of study.
13 (5) The professional development that will be provided to those teaching in the
14 remote academy related to the pedagogy of providing remote instruction.
15 (6) The identified characteristics for successful remote learning and criteria for
16 admission to the remote academy. The governing body shall identify the
17 means by which information will be communicated to the parents and legal
18 guardians of prospective applicants and current enrollees about the remote
19 academy and those characteristics and criteria to allow for informed decisions
20 about enrollment.
21 (7) Any school nutrition services or transportation services that will be provided
22 to students.

23 (b) The State Board of Education shall review and approve a plan submitted by a
24 governing body for the creation of a remote academy that meets the requirements established in
25 this Part.

26 **"§ 115C-234.20. Operation of remote academies.**

27 (a) Each approved remote academy shall adhere to the plan submitted to and approved
28 by the State Board of Education unless the public school unit obtains in writing approval for plan
29 modifications from the State Board of Education.

30 (b) Each approved remote academy shall receive a school code. A remote academy in a
31 local school administrative unit with less than 100 students in final average daily membership is
32 not entitled to 12 months of employment for a principal.

33 **"§ 115C-234.25. Evaluation.**

34 The State Board of Education shall evaluate the success of remote academies approved under
35 this Part. Success shall be measured by school performance scores and grades, retention rates,
36 attendance rates, and, for grades nine through 12, high school completion and dropout rates. The
37 Board shall report by November 15 of each year to the Joint Legislative Education Oversight
38 Committee on the evaluation of these schools and on any recommended statutory changes."

39 **SECTION 2.(b)** The State Board of Education shall make the first evaluation report
40 required by G.S. 115C-234.25, as enacted by this section, by November 15, 2024.

41 **SECTION 2.(c)** Section 3B(c) of S.L. 2021-130 is repealed. Notwithstanding
42 G.S. 115C-84.2, as amended by this act, or G.S. 115C-234, as enacted by this act, a public school
43 unit assigned a school code to operate a school with virtual instruction as the primary means of
44 instruction as of May 1, 2021, may continue to operate that school for the 2022-2023 school year.
45 A public school unit that submitted a virtual instruction plan for the 2021-2022 school year to
46 the Department of Public Instruction may continue to provide virtual instruction in accordance
47 with that plan for the 2022-2023 school year.

48 **SECTION 2.(d)** This section is effective when it becomes law. Subsection (a) of this
49 section applies beginning with the 2023-2024 school year.

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51 **PART III. CHARTER SCHOOL VIRTUAL EDUCATION**

1 **SECTION 3.(a)** G.S. 115C-218.1(b) reads as rewritten:
2 "(b) The application shall contain at least the following information:

3 ...
4 (16) If the charter school will be a remote academy under Part 3A of Article 16 of
5 this Chapter, the plan required to be submitted under G.S. 115C-234.15."

6 **SECTION 3.(b)** G.S. 115C-218.6 reads as rewritten:

7 "**§ 115C-218.6. Review and renewal of charters.**

8 (a) The State Board of Education shall review the operations of each charter school at
9 least once prior to the expiration of its charter to ensure that the school is meeting the expected
10 academic, financial, and governance standards.

11 (b) The State Board of Education shall renew a charter upon the request of the chartering
12 entity for subsequent periods of 10 years, unless one of the following applies:

13 (1) The charter school has not provided financially sound audits for the
14 immediately preceding three years.

15 (2) The charter school's student academic outcomes for the immediately
16 preceding three years have not been comparable to the academic outcomes of
17 students in the local school administrative unit in which the charter school is
18 located. In the case of a remote academy charter school, the State Board shall
19 compare the remote academy charter school's student academic outcomes for
20 the immediately preceding three years to the average of three comparable local
21 school administrative units with similar student populations as measured by
22 school-level metrics collected by the State.

23 (3) The charter school is not, at the time of the request for renewal of the charter,
24 substantially in compliance with State law, federal law, the school's own
25 bylaws, or the provisions set forth in its charter granted by the State Board of
26 Education.

27 If one of the conditions set forth in subdivisions (1) through (3) of this subsection applies,
28 then the State Board may renew the charter for a period of less than 10 years or not renew the
29 charter."

30 **SECTION 3.(c)** Beginning with the 2023-2024 school year, a charter school may
31 become a remote academy by submission of a plan that is approved by the State Board of
32 Education, as provided in G.S. 115C-234.15, or by submission of a plan as part of the application
33 or renewal of a charter.

34 **SECTION 3.(d)** Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L.
35 2016-94 and Section 7.13 of S.L. 2018-5, is repealed.

36 **SECTION 3.(e)** The pilot program established under Section 8.35 of S.L. 2014-100,
37 as amended, shall end with the 2021-2022 school year and the two pilot virtual charter schools
38 participating in the pilot program pursuant to that section shall be deemed to be approved as
39 charter schools by the State Board of Education pursuant to G.S. 115C-218.5 and shall operate
40 as charter schools under Article 14A of Chapter 115C of the General Statutes. The pilot virtual
41 charter schools' contracts and the related documents of those schools shall be modified to reflect
42 that the charter schools operate pursuant to Article 14A of Chapter 115C of the General Statutes.
43 Beginning with the 2022-2023 school year, the pilot virtual charter schools shall be subject to
44 G.S. 115C-218.7 and may increase enrollment up to twenty percent (20%) based on their
45 enrollment from the 2021-2022 school year and for subsequent school years without the increase
46 in enrollment being considered a material revision of a virtual charter school's charter. The length
47 of the pilot virtual charter schools' contracts shall be for five additional years, ending after the
48 2026-2027 school year, at which time the charter school contracts may be renewed for a
49 subsequent 10 years pursuant to G.S. 115C-218.6.

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51 **PART IV. EFFECTIVE DATE**

1 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes law
2 and applies beginning with the 2022-2023 school year.