

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-CSTC-66 [v.4]

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

(Public)

Sponsors:

Referred to:

April 8, 2021

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

The General Assembly of North Carolina enacts:

PART I: VIRTUAL EDUCATION

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

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

SECTION 1.(b) S.L. 2021-130, Sec. 3(i) reads as rewritten:

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 ~~This section is repealed June 30, 2022.~~"

PART II: REMOTE ACADEMIES

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

"Part 3A. Remote Academies.

"§ 115C-234. Remote academies.

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

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

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

"§ 115C-234.5. Remote academy enrollment.

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



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

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

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

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

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

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

"§ 115C-234.10. Remote academy requirements.

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

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

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

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

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

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

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

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

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

(1) An instructional technology facilitator.

(2) A school library media coordinator.

(3) A data manager.

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

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

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

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

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

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

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

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

"§ 115C-234.25. Evaluation.

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

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

SECTION 2.(c) S.L. 2021-130, Sec. 3B(c) is repealed. A public school unit assigned a school code to operate a school with virtual instruction as the primary means of instruction as of May 1, 2021, may continue to operate that school for the 2022-2023 school year. A public school unit that submitted a virtual instruction plan for the 2021-2022 school year to the Department of Public Instruction may continue to provide virtual instruction in accordance with that plan for the 2022-2023 school year.

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

PART III: CHARTER SCHOOL VIRTUAL EDUCATION

SECTION 3.(a) G.S. 115C-218.1(b) reads as rewritten:

"(b) The application shall contain at least the following information:

...

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

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

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

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

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

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

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

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

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

SECTION 3.(c) A charter school operating as of July 1, 2022, may become a remote academy by submission of a curriculum amendment to the Office of Charter Schools for the 2022-2023 school year. Thereafter, a charter school may become a remote academy by submission of a plan that is approved by the State Board of Education, as provided in G.S. 115C-234.15, or by submission of a plan as part of the application or renewal of a charter.

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

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

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.