

## Article 29A.

### University of North Carolina Laboratory Schools.

#### **§ 116-239.5. University of North Carolina laboratory schools; purpose.**

(a) The Board of Governors, upon recommendation by the President, shall designate constituent institutions to submit proposals to establish at least eight laboratory schools in total to serve public school students in accordance with the provisions of this Article. The Board of Governors shall select constituent institutions with high-quality educator preparation programs as demonstrated by the annual performance measures reported by the constituent institutions in accordance with G.S. 115C-269.35. The Board of Governors' Subcommittee on Laboratory Schools established under G.S. 116-239.7 shall review the proposals and approve at least eight of the proposals to establish laboratory schools. The Subcommittee may select a constituent institution to operate more than one laboratory school. The Subcommittee shall oversee the operations of those laboratory schools to meet the purposes set forth in this Article.

(b) The mission of a laboratory school shall be to improve student performance in local school administrative units with low-performing schools by providing an enhanced education program for students residing in those units and to provide exposure and training for teachers and principals to successfully address challenges existing in high-needs school settings. A laboratory school shall provide an opportunity for research, demonstration, student support, and expansion of the teaching experience and evaluation regarding management, teaching, and learning.

(c) Each laboratory school shall expand student opportunities for educational success through high-quality instructional programming and innovative instruction and research by using the resources available to the constituent institution. Each constituent institution operating a laboratory school shall incorporate best practices gained from State initiatives focused on leadership development for both teachers and principals in low-performing schools and local school administrative units.

(d) Except as otherwise provided in this Article and Article 7B of Chapter 115C of the General Statutes, the Subcommittee, the chancellor of each constituent institution that operates a laboratory school, and the laboratory school are exempt from statutes and rules applicable to a local board of education or local school administrative unit.

(e) In addition to all other immunities provided to them by applicable State law, the Subcommittee, chancellor, the constituent institution, an advisory board, and a laboratory school, and their members, employees, and agents shall be entitled to the specific immunities provided for in Chapter 115C of the General Statutes applying to the State Board of Education, Superintendent of Public Instruction, a local board of education, a local school administrative unit, and their members and employees. Any such immunity to liability established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. Immunity established by this subsection shall be deemed to be waived to the extent of indemnification under Article 31A and Article 31B of Chapter 143 of the General Statutes and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes. (2016-94, s. 11.6(a); 2017-117, s. 1; 2017-189, s. 6(h); 2020-56, s. 2(a), (b); 2023-106, s. 2(f); 2023-134, s. 8.6(a).)

#### **§ 116-239.6. Definitions.**

The following definitions apply in this Article:

- (1) Advisory board. – An advisory board established by a chancellor under G.S. 116-239.8.

- (2) Board of trustees. – The board of trustees of a constituent institution.
- (2a) Chancellor. – The chancellor of a constituent institution who operates a laboratory school approved by the Subcommittee on Laboratory Schools under G.S. 116-239.7 or the chancellor's designee.
- (3) Constituent institution. – A constituent institution of The University of North Carolina with an educator preparation program that has a laboratory school operated in accordance with this Article.
- (4) Laboratory school. – A public school created under G.S. 116-239.7 that (i) except as otherwise provided in G.S. 116-239.7(a2), is located in a qualifying local school administrative unit that has twenty five percent (25%) or more of the schools located in the unit identified as low-performing under G.S. 115C-105.37 and (ii) serves students in at least three consecutive grade levels in the range of kindergarten through eighth grade.
- (4a) President. – The President of The University of North Carolina.
- (5) Principal. – The principal of a laboratory school.
- (6) Subcommittee. – The Subcommittee on Laboratory Schools. (2016-94, s. 11.6(a); 2017-117, s. 1.)

**§ 116-239.7. The Board of Governors' Subcommittee on Laboratory Schools; selection of laboratory schools; creation of a laboratory school; dissolution.**

(a) The Board of Governors' Subcommittee on Laboratory Schools. – The Board of Governors shall establish the Subcommittee on Laboratory Schools to oversee the establishment and operation of laboratory schools in accordance with this Article. The President of The University of North Carolina shall serve on the Subcommittee. Within the funds appropriated each fiscal year to the Board of Governors to be used to support the operations of the Board, the Board may establish a full-time equivalent position to coordinate and support the work of the Subcommittee.

(a1) Approval of Laboratory Schools. – The Board of Governors, upon the recommendation of the President, shall designate constituent institutions to establish and operate a total of at least eight laboratory schools. The chancellor of each constituent institution shall adopt and submit to the Subcommittee a proposal to operate one or more laboratory schools in one or more local school administrative units that meet the minimum threshold for the number of low-performing schools located in a unit under G.S. 116-239.6(4). The proposal shall include the governance structure of the laboratory school. The Subcommittee shall evaluate the proposals for approval or disapproval by considering the design components and the strategic focus of the laboratory school and any other standards developed by the Subcommittee to be applicable to all laboratory schools. The Subcommittee shall also consider the location of each laboratory school so that, to the extent possible, there is a geographically diverse distribution of the laboratory schools throughout the State. From the proposals submitted to the Subcommittee, the Subcommittee shall approve the establishment of at least eight laboratory schools.

(a2) Waiver for Certain Local School Administrative Units. – Notwithstanding subsection (a1) of this section, a chancellor may submit a proposal to the Subcommittee to locate a laboratory school in a local school administrative unit that does not meet the minimum threshold for the number of low-performing schools located in the unit under G.S. 116-239.6(4) if the proposal demonstrates that the laboratory school shall primarily serve students who did not meet expected growth in the prior school year in accordance with G.S. 116-239.9(c1). The Subcommittee may

waive the requirement for the number of low-performing schools in a local school administrative unit for the location of a laboratory school, for up to a total of six laboratory schools established under this Article, only if both of the following conditions are met for the laboratory school:

- (1) The proposal has been submitted jointly by the chancellor and the local school administrative unit in which the laboratory school will be located.
- (2) The Subcommittee determines that the proposed location would satisfy the purposes set forth in G.S. 116-239.5.

(b) Resolution by the Subcommittee to Approve a Laboratory School. – The Subcommittee shall adopt a resolution upon the approval of each laboratory school, which shall include the following:

- (1) Name of the laboratory school.
- (2) The local school administrative unit in which the laboratory school shall be located.
- (3) A term of operation for the laboratory school of five years from the date of initial operation. At the end of the initial five years of operation, the Subcommittee shall renew the term of operation for additional five-year periods under the resolution if the laboratory school is still located in a local school administrative unit that has twenty-five percent (25%) or more of the schools located in the unit identified as low-performing under G.S. 115C-105.37, or if the Subcommittee renews a waiver of this requirement under subsection (a2) of this section. If the laboratory school is no longer (i) located in a qualifying local school administrative unit or (ii) meeting the purposes of this Article under a waiver at the end of five years, the Subcommittee may renew the term of operation for additional five-year periods under the resolution if the Subcommittee finds the school is successfully meeting its mission to improve student performance and provide valuable exposure and training for teachers and principals in the constituent institution's educator preparation program. The Subcommittee may terminate operation of any laboratory school during the initial term of operation or during a five-year renewal period if the Subcommittee finds it is failing to meet expected progress toward meeting the mission of the school consistent with the requirements of this Article. The Subcommittee shall notify the Board of Governors of the end of the term of operation of a laboratory school and request designation of additional constituent institutions with educator preparation programs to establish a laboratory school in accordance with the provisions of this Article.

(c) Recognition of a Laboratory School. – The Subcommittee shall file a copy of each resolution to approve a laboratory school with the Department of Public Instruction. Upon receipt of a resolution from the Subcommittee and upon the recommendation of the Superintendent of Public Instruction, the State Board of Education shall approve the creation of the laboratory school.

(d) Dissolution or Assumption of a Laboratory School. – In the event of the potential dissolution of a laboratory school at the end of the term of the school's operation or due to the termination of an educator preparation program at the constituent institution, the chancellor shall propose a plan in conjunction with the local school administrative unit in which the laboratory school is located for the dissolution or the assumption of the laboratory school by a new entity and shall submit the plan to the Subcommittee for prior approval. The Board of Governors and the Department of Public Instruction shall be notified in the event of the dissolution or assumption of a

laboratory school, including the identity of the entity assuming operation of the school. (2016-94, s. 11.6(a); 2017-117, s. 1; 2020-56, s. 2(c); 2023-134, s. 8.6(b).)

**§ 116-239.8. Chancellor; powers and duties.**

(a) The chancellor of a constituent institution designated by the Board of Governors to establish a laboratory school shall submit a proposal in accordance with G.S. 116-239.7 that is consistent with any requirements established by the Subcommittee on Laboratory Schools in accordance with this Article.

(b) The chancellor shall be the administrative head of a laboratory school approved by the Subcommittee and shall provide general direction for the establishment and operation of a laboratory school. The chancellor, with advice and input from the advisory board established in subdivision (1) of this subsection, shall adopt policies, operating procedures, and the courses of study to govern the operation of the laboratory school. The chancellor may designate the duties required by this Article to other personnel as necessary. The chancellor shall also have the following powers and duties:

- (1) Advisory board. – The chancellor shall establish an advisory board to provide advice and guidance to the chancellor as follows:
  - a. Composition of the advisory board. – The advisory board shall consist of up to 10 members who shall be appointed by the chancellor or serve *ex officio* as follows:
    1. The dean of the constituent institution's educator preparation program.
    2. A member of the board of trustees of the constituent institution.
    3. Two faculty members from the institution. At least one of the faculty members shall be faculty from the constituent institution's educator preparation program.
    4. The superintendent of the local school administrative unit in which the laboratory school is located.
    5. A member of the community who resides in the local school administrative unit in which the laboratory school is located.
    6. Up to four other members that the chancellor deems necessary.
  - a1. Terms of members. – The term of each member shall be for four years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. No advisory board member shall serve more than two complete consecutive terms. The chancellor shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than three members in any year.
  - a2. Organization; meetings; expenses. – The chancellor shall call the organizational meeting of the advisory board. The advisory board shall meet at least quarterly. The advisory board shall annually elect a chair and a vice-chair. There shall be no limitation on successive terms that may be served by a chair or vice-chair. The advisory board shall adopt internal organizational procedures or bylaws necessary for efficient operation. Advisory board members shall not receive per diem or travel expenses for the performance of their duties.

- b. Duties. – The advisory board shall have the following duties:
  - 1. Monitor the operations of the laboratory school and the distribution of moneys allocated for such operations.
  - 2. Recommend to the chancellor necessary policy, program, and administration modifications.
  - 3. Evaluate biennially the performance of the principal and recommend corresponding action to the chancellor.
  - 4. Annually review evaluations of the laboratory school's operation and research findings.
- (2) Laboratory school course of study. –
  - a. The chancellor shall establish the standard course of study for the laboratory school. This course of study shall set forth the subjects to be taught in each grade and the texts and other educational materials on each subject to be used in each grade. The chancellor shall design its programs to meet at least the student performance standards adopted by the State Board of Education and the student performance standards contained in Chapter 115C of the General Statutes.
  - b. The chancellor shall conduct student assessments required by the State Board of Education.
  - c. The chancellor shall adopt a school calendar consisting of a minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months, and may include the use of remote instruction in accordance with G.S. 115C-84.3.
  - d. The chancellor shall ensure that financial literacy instruction is provided as required by the State Board of Education pursuant to G.S. 115C-81.65, including required professional development for teachers of the EPF course.
  - e. The chancellor shall ensure that computer science instruction is provided as required by G.S. 115C-81.90.
  - f. The chancellor shall ensure that a three-cueing system, as defined in G.S. 115C-83.3(9a), or a curriculum with visual memory as the primary basis for teaching word recognition is not used in any instruction or intervention provided to students in grades kindergarten through three.
- (3) Standards of performance and conduct. – The chancellor shall establish policies and standards for academic performance, attendance, and conduct for students of the laboratory school. The policies of the chancellor shall comply with Article 27 of Chapter 115C of the General Statutes.
- (4) Operation and maintenance of laboratory schools. – The Board of Governors and the State Board of Education shall jointly determine standards for establishing the costs to local school administrative units for providing the facilities and services identified in this subdivision for operation and maintenance of a laboratory school. The standards shall include the lease amount by square foot for facility leases, which shall incorporate the cost of the outstanding debt service for the facility. A local school administrative unit shall provide, at the laboratory school's request, any of the following facilities and services to the laboratory school, but the costs of those facilities and services

charged to the laboratory school shall not exceed the established standards for determination of costs. The following shall be determined in a memorandum of understanding between the chancellor and the local school administrative unit for the operation and maintenance of the laboratory school as needed:

- a. Facilities and leases. – Upon request, the local school administrative unit in which the laboratory school is located shall lease adequate facilities to the constituent institution for use as a laboratory school. Unless the laboratory school requests not to include any of the following, the lease shall include use of or access to any existing buildings, parking areas, playgrounds, driveways required for ingress and egress, furniture, classroom space, a cafeteria or multipurpose room, moveable equipment, appliances, playground materials, including a library collection, instructional materials, and classroom and other technology equipment necessary to operate the laboratory school. The lease term shall be terminated if the laboratory school ceases operation. Upon request, the local school administrative unit shall maintain the facilities and premises of the laboratory school and keep them in good repair and tenantable condition by providing all routine custodial services and routine facilities maintenance services, including routine indoor maintenance, routine mowing, trimming, and maintenance of exterior landscaping and snow removal, and timely repair of the facilities and premises. The chancellor is authorized to execute the lease agreement and memoranda of agreement for the operation of a laboratory school.
- b. Transportation services. – Upon request, the local school administrative unit in which the laboratory school is located shall provide transportation to students who reside in the local school administrative unit and attend the laboratory school, including any students who are homeless and require assistance pursuant to 42 U.S.C. § 11301, et seq., the McKinney-Vento Homeless Assistance Act. The requirement to provide transportation to students residing in the local school administrative unit shall (i) apply regardless of where a laboratory school student resides in the unit or how the unit's transportation policies and practices are applied to other students and (ii) upon request, include providing transportation of students and personnel for laboratory school extracurricular activities and educational trips in the same manner as other schools in the unit for that school year.
- c. Food services. – The laboratory school shall strive to ensure that one hundred percent (100%) muscadine grape juice is made available to students as a part of the school's nutrition program or through the operation of the school's vending facilities. Upon request, the local school administrative unit in which the laboratory school is located shall administer the National School Lunch Program for the laboratory school in accordance with G.S. 115C-264.
- d. Student support services. – Upon request, the local school administrative unit in which the laboratory school is located shall

provide any of the following student support services for the operation of the laboratory school, including:

1. Services required by the Department of Public Instruction for children with disabilities.
2. Children and family support services, including social worker and school nurse services.
3. Other health services, including dental screenings, vision screenings, and similar health services that apply to other students enrolled in the local school administrative unit.
4. Parent involvement coordinator services.
5. School counselor services.

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

(6) Reporting. – The chancellor shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.

(7) Assessment results. – The chancellor shall provide data to the local school administrative unit on the performance of students on any testing required by the State Board of Education.

(8) Education of children with disabilities. – The chancellor shall require compliance with laws and policies relating to the education of children with disabilities.

(9) Health and safety. – The chancellor shall require that the laboratory school meet the same health and safety standards required of a local school administrative unit. The Department of Public Instruction shall ensure that laboratory schools comply with G.S. 115C-375.2A. The chancellor shall provide the laboratory school with a supply of emergency epinephrine auto-injectors necessary to carry out the provisions of G.S. 115C-375.2A.

(10) Repealed by Session Laws 2023-78, s. 5(f), effective July 7, 2023.

(11) Repealed by Session Laws 2023-78, s. 5(f), effective July 7, 2023.

(12) Repealed by Session Laws 2023-78, s. 5(f), effective July 7, 2023.

(13) Repealed by Session Laws 2023-78, s. 5(f), effective July 7, 2023.

(14) North Carolina school report cards. – A laboratory school shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. A laboratory school shall ensure that the overall school performance score and

grade earned by the laboratory school for the current and previous four school years is prominently displayed on the school Web site. If a laboratory school earned an overall school performance grade of D or F, the laboratory school shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school.

(15) Policy against bullying. – A laboratory school is encouraged to adopt a policy against bullying or harassing behavior, including cyberbullying, that is consistent with the provisions of Article 29C of Chapter 115C of the General Statutes. If a laboratory school adopts a policy to prohibit bullying and harassing behavior, the laboratory school shall, at the beginning of each school year, provide the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8).

(16) Access for youth groups. – Laboratory schools are encouraged to facilitate access for students to participate in activities provided by any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day for the purposes of encouraging civic education.

(17) Child sexual abuse and sex trafficking training program. – The chancellor shall adopt and ensure implementation of a child sexual abuse and sex trafficking training program in accordance with G.S. 115C-375.20.

(18) School-based mental health plan required. – A laboratory school shall adopt a school-based mental health plan, including a mental health training program and suicide risk referral protocol, in accordance with G.S. 115C-376.5.

(19) A laboratory school shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47).

(20) Computer science reporting. – A laboratory school shall annually report the information required by G.S. 115C-12(48) to the State Board of Education, the Senate Appropriations Committee on Education/Higher Education, and the House Appropriations Committee on Education no later than September 15.

(21) Digital learning dashboard updates. – A laboratory school shall annually update information to the digital learning dashboard, as required by G.S. 115C-102.9.

(22) Cultural expression at graduation ceremonies. – A laboratory school shall comply with G.S. 115C-407.40 at all graduation ceremonies.

(23) Athletic teams. – A laboratory school organizing athletic teams for middle or high school students to participate in interscholastic or intramural athletic activities shall do so in accordance with G.S. 115C-12(23).

(24) Laboratory schools shall comply with the requirements for public school units in Part 2 of Article 8C of Chapter 115C of the General Statutes.

(25) Unpaid meal debt. – If a laboratory school participates in the school nutrition program, the laboratory school may not impose administrative penalties on a student for unpaid school meal debt in accordance with G.S. 115C-264(d). (2016-94, s. 11.6(a); 2017-57, s. 7.26(k); 2017-117, s. 1; 2018-5, s. 10.1(a);

2019-82, s. 4(c); 2019-245, s. 4.4(d); 2020-7, s. 1(e); 2020-56, s. 2(d); 2021-130, s. 3(f); 2021-132, s. 6(g); 2021-180, ss. 7.9(f), 7.61(e); 2022-59, s. 1(b); 2022-74, s. 7.13(b); 2023-43, s. 3(c); 2023-63, s. 5(e); 2023-78, s. 5(f), (g); 2023-109, s. 1(d); 2023-132, s. 3(c); 2023-134, ss. 7.60(d), 7.64(f).)

### **§ 116-239.9. Student admissions and assignment.**

(a) A child shall be eligible to attend a laboratory school if the child resides in the local school administrative unit in which a laboratory school is located and meets at least one of the following criteria:

- (1) Is assigned to a low-performing school, as defined by G.S. 115C-105.37 at the time of the student's application.
- (2) Did not meet expected growth in the prior school year based on one or more indicators listed in subsection (c1) of this section.
- (3) Is the sibling of a child who is eligible under subdivision (1) or (2) of this subsection.
- (4) Is the child of a laboratory school employee.

(b) No local board of education shall require any student enrolled in the local school administrative unit to attend a laboratory school.

(c) During each period of enrollment, the laboratory school shall enroll an eligible student under subsection (a) of this section who submits a timely application, up to the capacity of a program, class, grade level, or building, in the order in which applications are received. Once enrolled, students are not required to reapply in subsequent enrollment periods. The laboratory school may give enrollment priority to the sibling of an enrolled student who attended the laboratory school in the prior school year.

(c1) For the purposes of this Article, any of the following shall serve as indicators that a student did not meet expected student growth in the prior school year: (i) grades, (ii) observations, (iii) diagnostic and formative assessments, (iv) State assessments, or (v) other factors, including reading on grade level.

(c2) Notwithstanding the requirements of subsection (a) of this section, if a laboratory school has not reached enrollment capacity in a program, class, grade level, or building by March 1, prior to the start of the next school year, the laboratory school may enroll children who reside in the local school administrative unit in which the laboratory school is located but do not meet one of the criteria set forth in subdivisions (1) through (4) of subsection (a) of this section for up to twenty percent (20%) of the total capacity of the program, class, grade level, or building.

(d) Notwithstanding any law to the contrary, a laboratory school may refuse admission to any student who has been expelled or suspended from a public school under G.S. 115C-390.5 through G.S. 115C-390.11 until the period of suspension or expulsion has expired.

(e) Within one year after a laboratory school begins operation, the laboratory school shall make reasonable efforts in the recruitment process for the population of the school to reasonably reflect the racial, ethnic, and socioeconomic composition of the general population of the students residing within the local school administrative unit in which the school is located. A laboratory school shall not unlawfully discriminate when making admissions determinations. (2016-94, s. 11.6(a); 2017-117, s. 1; 2018-5, s. 10.1(b); 2020-56, s. 2(f).)

### **§ 116-239.10. Employees.**

The chancellor shall appoint all licensed and nonlicensed staff in accordance with the following:

- (1) Principal. – The constituent institution shall employ and contract with a principal for a term not to exceed three years. The principal shall meet the requirements for licensure set out in G.S. 115C-270.20(b)(1), unless waived, upon the recommendation of the Superintendent of Public Instruction, by the State Board of Education upon submission of a request by the chancellor that is approved by the Subcommittee. The principal shall be responsible for school operations and shall exercise those duties and powers delegated by the chancellor.
- (2) Faculty members. – Faculty members may serve simultaneously as instructional personnel for the laboratory school and a constituent institution.
- (3) Teachers. – The constituent institution shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school. At least fifty percent (50%) of teachers employed by the constituent institution shall hold teacher licenses, unless waived, upon the recommendation of the Superintendent of Public Instruction, by the State Board of Education upon submission of a request by the chancellor that is approved by the Subcommittee.
- (4) Leave of absence from local school administrative unit. – If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at the laboratory school, the local school administrative unit shall grant the leave for one year. For the initial year of the laboratory school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of the laboratory school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that local board under this subdivision. A teacher who has received a leave of absence to teach at a laboratory school may return to a public school in the local school administrative unit at the end of the leave of absence or upon the end of employment at the laboratory school if an appropriate position is available. If a teacher has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at the laboratory school, the teacher may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the laboratory school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers in accordance with G.S. 115C-325(e)(2).
- (5) Nonlicensed employees. – The constituent institution also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services.

- (6) Employment dismissal. – An employee of the constituent institution is not an employee of the local school administrative unit in which the laboratory school is located. The constituent institution may discharge licensed and nonlicensed employees according to the terms of the employment contract.
- (7) Employee benefits. – Employees of the constituent institution who work in laboratory schools shall be considered State employees and shall participate in the Teachers' and State Employees' Retirement System and the State Health Plan on the same terms as other State employees employed by the constituent institution.
- (8) Exemptions. – Employees of the constituent institution shall be exempt from Chapter 126 of the General Statutes, except Articles 6 and 7.
- (9) Paid parental leave. – Teachers employed by the board of the constituent institution shall be eligible for paid parental leave as provided in G.S. 126-8.6. The constituent institution shall be eligible to receive funds as provided in G.S. 115C-336.1(b). (2016-94, s. 11.6(a); 2017-117, s. 1; 2017-157, s. 2(j); 2023-65, s. 13A.1(f); 2023-125, s. 1(h).)

#### **§ 116-239.11. State and local funds.**

- (a) The State Board of Education shall allocate to a laboratory school the following:
  - (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the school is located for each child attending the laboratory school, except for the allocation for children with disabilities and for the allocation for children with limited English proficiency.
  - (2) An additional amount for each child attending the laboratory school who is a child with disabilities. In the event a child with disabilities leaves the laboratory school and enrolls in a public school during the first 60 school days in the school year, the laboratory school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with disabilities enrolls in the laboratory school during the first 60 school days in the school year, the State Board shall allocate to the laboratory school the pro rata amount of additional funds for children with disabilities.
  - (3) An additional amount for children with limited English proficiency attending the laboratory school, based on a formula adopted by the State Board.
- (b) The State Board shall allow for annual adjustments to the amount allocated to the laboratory school based on its enrollment growth in school years subsequent to the initial year of operation.
- (c) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for laboratory schools and may be used for payments on loans made to laboratory schools for facilities, equipment, or operations. However, State funds allocated under this section shall not be used to obtain any other interest in real property or mobile classroom units.
- (d) If a student attends a laboratory school, the local school administrative unit in which the child resides shall transfer to the laboratory school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil

share of the local current expense fund shall be transferred to the laboratory school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and laboratory school may use the process for mediation of differences provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a laboratory school located in the tax district for which these taxes are levied and in which the student resides.

(e) The local school administrative unit shall also provide each laboratory school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (d) of this section:

- (1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).
- (2) The student membership numbers used to calculate the per pupil share of the local current expense fund.
- (3) How the per pupil share of the local current expense fund was calculated.
- (4) Any additional records requested by a laboratory school from the local school administrative unit in order for the laboratory school to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

(f) Prior to commencing an action under subsection (d) of this section, the complaining party shall give the other party 15 days' written notice of the alleged violation. The court shall award the prevailing party reasonable attorneys' fees and costs incurred in an action under subsection (d) of this section. The court shall order any delinquent funds, costs, fees, and interest to be paid in equal monthly installments and shall establish a time for payment in full that shall be no later than one year from the entry of any judgment.

(g) A laboratory school may request appropriations directly from a city, as authorized by G.S. 160A-700. (2016-94, s. 11.6(a); 2016-123, s. 4.5; 2017-117, s. 1; 2018-5, s. 38.8(h); 2020-56, s. 2(e).)

### **§ 116-239.12. Criminal history record checks.**

(a) As used in this section:

- (1) "Criminal history" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an individual (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27,

Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) "School personnel" means any of the following:

- a. Member of the advisory board.
- b. Staff of the laboratory school.
- c. Independent contractor or employee of an independent contractor of the laboratory school if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of the laboratory school.

(b) The chancellor shall adopt a policy, with advice and input from the advisory board, that requires an applicant for a school personnel position to be checked for a criminal history as provided in subsection (c) of this section. The chancellor shall apply the policy uniformly in requiring applicants for school personnel positions to be checked for a criminal history. The chancellor may grant conditional approval of an application while the chancellor is checking a person's criminal history and making a decision based on the results of the check. An applicant for a school personnel position shall not be required to be checked for a criminal history if he or she has received a license within six months of employment that required a criminal history check equivalent to the criminal history check required in subsection (c) of this section.

The chancellor shall not require an applicant to pay for the criminal history record check authorized under this section.

(c) The chancellor shall require the person to be checked by the State Bureau of Investigation (i) to be fingerprinted and to provide any additional information required by the State Bureau of Investigation to a person designated by the chancellor or to the local sheriff, the campus police department of the constituent institution, or the municipal police, whichever is more convenient for the person and (ii) to sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The chancellor shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors. The fingerprints of the individual shall be used by the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The State Bureau of Investigation shall provide to the chancellor the criminal history from the State and National Repositories of Criminal Histories of any school personnel for which the chancellor requires a criminal history record check.

The chancellor shall not require school personnel to pay for fingerprints authorized under this section.

(d) The chancellor shall review the criminal history it receives on an individual. The chancellor shall determine whether the results of the review indicate that the individual (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The chancellor shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors. The chancellor may delegate any of the duties in this subsection to the principal.

(e) The chancellor shall provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the criminal history and determine whether the person's certificate or license should be revoked in accordance with State laws and rules regarding revocation.

(f) All the information received by the chancellor through the checking of the criminal history or by the State Board of Education in accordance with this section is privileged information and is not a public record but is for the exclusive use of the chancellor or the State Board of Education. The chancellor or the State Board of Education may destroy the information after it is used for the purposes authorized by this section after one calendar year.

(g) There shall be no liability for negligence on the part of the chancellor, the constituent institution, the advisory board, the Subcommittee, the Department of Public Instruction, or the State Board of Education, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(h) Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor. (2016-94, s. 11.6(a); 2016-126, 4th Ex. Sess., s. 26; 2017-117, s. 1; 2018-5, s. 10.1(c); 2023-134, s. 19F.4(mmm).)

### **§ 116-239.13. Review of laboratory schools.**

The Subcommittee on Laboratory Schools shall review and evaluate the educational effectiveness of the laboratory schools authorized under this Article for both public school students and students enrolled in educator preparation programs according to standards and protocols established by the Subcommittee. The Subcommittee shall report by November 15 of each year to the Joint Legislative Education Oversight Committee on the following:

- (1) Information on public school student enrollment in each laboratory school, including student demographics.
- (2) The public school student admissions process and the number of students enrolled under the following categories at each laboratory school:
  - a. Students who were previously assigned to a low-performing school.
  - b. Students who did not meet expected student growth in the school year prior to enrollment.
  - c. Siblings of an otherwise eligible student.

- (3) Public school student achievement data, including school performance grades and student achievement scores and student growth, at each laboratory school.
- (4) Public school student academic progress in each laboratory school as measured against the previous school year and against other schools located in the local school administrative unit and statewide.
- (5) Information on the student outcomes for students who are enrolled in each educator preparation program who obtained clinical experience in school leadership and teaching in the laboratory schools, including the performance elements reported under G.S. 115C-269.35.
- (6) Best practices resulting from laboratory school operations.
- (7) Other information the Subcommittee considers appropriate. (2016-94, s. 11.6(a); 2017-117, s. 1; 2017-189, s. 6(i); 2018-5, s. 10.1(d).)