

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1256

Short Title: Schools of Choice.

(Public)

Sponsors: Representatives Wood, Pope; Justus, Arnold, and Brubaker.

Referred to: Education.

April 12, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH PUBLIC SCHOOLS OF CHOICE BY ELECTION OF
3 LOCAL BOARDS OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 115C of the General Statutes is amended by adding a new
6 Article to read:

7 **“ARTICLE 8A.**

8 **“PUBLIC SCHOOLS OF CHOICE.**

9 **“§ 115C-105.1. Short title.**

10 This Article shall be known and may be cited as the ‘North Carolina Public Schools
11 of Choice Act of 1990.’

12 **“§ 115C-105.2. Purpose.**

13 The General Assembly finds that parental involvement in the education of children
14 has a significant and beneficial impact on the academic progress of such children; that
15 the public school system in North Carolina should be structured in such a manner as to
16 facilitate and encourage parental involvement; that allowing parents to choose which
17 schools their children attend will result in greater parental involvement in and greater
18 parental satisfaction with the public school system, that allowing such choice will result
19 in increased diversity among public schools as they attempt to attract children with
20 differing educational needs; that the resulting diversity will involve schoolteachers and
21 administrators in the development and implementation of programs within the schools
22 which effectively utilize their talents; and that such diversity will improve the quality of
23 the public schools for the benefit of the children, the parents, the teachers and
24 administrators, and the State of North Carolina as a whole.

1 **"§ 115C-105.3. Definitions.**

2 As used in this Article, unless the context requires otherwise:

- 3 (1) 'Inter-district participating school district' means a school district in
4 which the local board of education has elected to participate pursuant
5 to the provisions of G.S. 115C-105.4 and in which a pupil who makes
6 an application pursuant to the provisions of this Article does not
7 reside.
- 8 (2) 'Intra-district participating school district' means a school district in
9 which the local board of education has elected to participate pursuant
10 to the provisions of G.S. 115C-105.15.
- 11 (3) 'Resident school district' means a school district in which a pupil who
12 makes an application pursuant to the provisions of this Article resides.
- 13 (4) 'School district' means a local school administrative unit as defined in
14 G.S.115C-66.
- 15 (5) 'Parent' means the parent or guardian of, or a person standing in loco
16 parentis to, a pupil who makes application to enroll in a school or
17 program in an inter-district or intra-district participating school district
18 pursuant to this Article.

19 **"§ 115C-105.4. Choice of school districts, programs, and schools; inter-district and**
20 **intra-district voluntary participation.**

21 (a) Every local board of education shall determine by resolution whether to
22 participate in the Public Schools of Choice Act established under this Article. A local
23 board may elect to participate at the inter-district or intra-district participating school
24 district level, or at both levels, or to not participate at all. Upon making its
25 determination, the local board shall notify the Department of Public Instruction of its
26 decision and shall include with the notification a copy of the resolution adopted by the
27 local board. Notification of participation for school year 1990-91 shall be made to the
28 Department of Public Instruction not later than June 15, 1990. Notification of
29 participation for school years 1991-92 and beyond shall be made not later than January
30 15 of each year. Local boards electing to participate in the Public Schools of Choice Act
31 shall comply with the applicable provisions of this Article.

32 (b) Except as otherwise provided in this Article, every inter-district and intra-
33 district participating school district shall allow pupils who apply pursuant to the
34 provisions of G.S. 115C-105.5 or G.S. 115C-105.15, as appropriate, to enroll in the
35 programs and schools of the participating school district.

36 **"§ 115C-105.5. Nonresident pupil; inter-school district enrollment.**

37 Any pupil within a resident school district may enroll in an inter-district
38 participating school district. The parent of a pupil shall apply to the inter-district
39 participating school district on a form provided by the Department of Public Instruction.
40 If a nonresident pupil has a preference to attend a particular program or school within
41 the inter-district participating school district, the application shall state the program or
42 school preference of the pupil. Except as otherwise provided in G.S. 115C-105.8 and
43 this section, the application shall be submitted to the inter-district participating school
44 district by February 15 of each year for enrollment during the subsequent academic

1 year. For the 1990-91 academic year, an application shall be submitted to the inter-district participating school district by July 1, 1990.

3 **"§ 115C-105.6. Inter-district participating school district; notice procedures.**

4 (a) Within 10 days after receiving an application made pursuant to G.S. 115C-
5 105.5, an inter-district participating school district shall notify the resident school
6 district that said inter-district participating school district has received an application
7 from a pupil within the resident school district.

8 (b) Except as otherwise provided in G.S. 115C-105.8 and this subsection, the
9 inter-district participating school district shall notify the parent and the resident school
10 district by March 15 of each year whether the application has been approved or denied.
11 For the 1990-91 academic year, such notification shall be made by July 10, 1990.

12 **"§ 115C-105.7. Inter-district participating school districts; procedures for**
13 **approval and denial of applications for inter-school district enrollment.**

14 (a) Each inter-district participating school district shall adopt criteria for the
15 approval and denial of applications made pursuant to G.S. 115C-105.5. Such criteria
16 shall include a preference for applications made pursuant to G.S. 115C-105.16 and a
17 preference for applications made by pupils who have had applications approved by the
18 inter-district participating school district for previous academic years.

19 (b) An inter-district participating school district may deny an application made
20 pursuant to G.S. 115C-105.5 for the following reasons:

21 (1) Lack of space within the inter-district participating school district;

22 (2) Lack of space within a particular program or school requested;

23 (3) A court-approved desegregation plan that is in effect for the inter-
24 district participating school district; or

25 (4) An increase in enrollment in the inter-district participating school
26 district during the current budget year which qualifies for additional
27 State support pursuant to G.S. 115C-105.16.

28 (c) Except as otherwise provided in G.S. 115C-105.8 and subsection (a) of this
29 section, if the number of applications submitted exceeds the amount of space available
30 in an inter-district participating school district or in a particular program or school
31 within an inter-district participating school district, such inter-district participating
32 school district shall select at random the number of applications for which there is space
33 available in such school district or in such particular program or school within such
34 school district. For purposes of this subsection, applications made by pupils who have
35 the same parent shall be treated as one application.

36 **"§ 115C-105.8. Desegregation plan; inter-district participating school district**
37 **procedures.**

38 (a) An inter-district participating school district which has a court-approved
39 desegregation plan may limit the number of pupils who transfer into such inter-district
40 participating school district and who transfer into particular programs and schools
41 within such inter-district participating school district pursuant to G.S. 115C-105.4.

42 (b) Except as otherwise provided in this subsection, an application to transfer into
43 an inter-district participating school district that has a court-approved desegregation
44 plan shall be submitted to the inter-district participating school district by March 1 of

1 each year for enrollment during the following academic year. For the 1990-91
2 academic year, an application shall be submitted by July 1, 1990.

3 (c) If approval of all of the applications would result in the inter-district
4 participating school district being out of compliance with its court-approved
5 desegregation plan, the inter-district participating school district shall establish the
6 number of majority and minority group pupils who may transfer into such inter-district
7 participating school district and who may transfer into particular programs and schools
8 of such inter-district participating school district. The inter-district participating school
9 district may approve or deny the applications in a manner that will enable compliance
10 with the court-approved desegregation plan. Except as otherwise provided in this
11 subsection, the inter-district participating school district shall notify the parent by March
12 20 of each year whether the application of the pupil has been approved or denied. For
13 the 1990-91 academic year, notification shall be made by July 10, 1990.

14 **"§ 115C-105.9. Inter-district participating school districts; increased enrollment;**
15 **denial of application.**

16 Inter-district participating school districts that have an increase in enrollment during
17 the current budget year and that qualify for additional State support may deny
18 applications made pursuant to G.S. 115C-105.5 on the basis of the impact of such
19 growth on the inter-district participating school districts.

20 **"§ 115C-105.10. Parent's duty after notice of acceptance.**

21 Within 10 days after receiving notification from an inter-district participating school
22 district of the acceptance of an application made pursuant to G.S. 115C-105.5, the
23 parent or legal guardian shall notify the inter-district participating school district
24 whether the pupil intends to enroll in said school district for the subsequent academic
25 year pursuant to the terms of the approved application.

26 **"§ 115C-105.11. Credits; graduation.**

27 (a) A pupil who has been enrolled full-time in an inter-district participating
28 school district and who has met the graduation requirements of the inter-district
29 participating school district shall be granted a diploma by the inter-district participating
30 school district. The inter-district participating school district shall accept credits earned
31 by a nonresident pupil in another school district toward the graduation requirements of
32 the inter-district participating school district.

33 (b) A pupil who has been enrolled part-time in an inter-district participating
34 school district and part-time in a resident school district and who has met the
35 graduation requirements of the resident school district shall be granted a diploma by the
36 resident school district. The resident school district shall accept credits earned by a
37 resident pupil in an inter-district participating school district toward graduation
38 requirements of the resident school district.

39 **"§ 115C-105.12. Pupil enrolled in inter-district participating school district;**
40 **inclusion in enrollment count.**

41 Any nonresident pupil who is enrolled full-time in an inter-district participating
42 school district shall be included in the pupil enrollment of such inter-district
43 participating school district.

44 **"§ 115C-105.13. Fees; nonresident students.**

1 No inter-district participating school district which has accepted nonresident pupils
2 to enroll in such inter-district participating school district pursuant to G.S. 115C-105.4
3 may charge such nonresident pupils any fees which are not charged to the resident
4 pupils of such inter-district participating school district. In addition, no inter-district
5 participating school district may charge such nonresident pupils a fee which is in an
6 amount greater than the amount of the fee charged to resident pupils.

7 **"§ 115C-105.14. Inter-district and intra-district transportation.**

8 (a) Except as otherwise provided in this Article, it shall be the responsibility of
9 the parent of a pupil enrolled pursuant to G.S. 115C-105.4 in a participating school
10 district to provide and to pay for transporting such pupil to and from the appropriate
11 participating school. The participating school district in which such pupil is enrolled
12 shall provide transportation for the pupil within the school district from bus stops on
13 transportation routes established for pupils who reside in the school district and attend
14 the same school in which the pupil is enrolled and on which there is space available.
15 Inter-district and intra-district participating school districts shall not be required to
16 provide transportation for pupils enrolled in the participating school district if there is
17 no space available on the participating district's transportation routes. No school district
18 shall be required to provide or to pay for transportation between the residence of a pupil
19 enrolled pursuant to G.S. 115C-105.4 and the transportation routes of the school in the
20 participating school district in which the pupil is enrolled.

21 (b) Financial assistance for transportation costs incurred by the parent of a low-
22 income pupil enrolled in a participating school pursuant to G.S. 115C-105.4 shall be
23 provided to such parent based on the availability of federal funds. No State funds may
24 be used to provide financial assistance for such transportation costs incurred. The
25 determination of whether a pupil qualifies for assistance pursuant to the provisions of
26 this subsection shall be based upon the eligibility of such pupil for federally funded
27 lunch programs.

28 **"§ 115C-105.15. Resident pupil; intra-school district enrollment.**

29 Any pupil who resides in an intra-district participating school district may enroll in a
30 particular program or school within such school district. To enroll in a particular
31 program or school within an intra-district participating school district other than the
32 program or school which such pupil would be enrolled in pursuant to the rules and
33 regulations of such school district, the parent of the pupil shall apply to the intra-district
34 participating school district on a form provided by the Department of Public Instruction.
35 Such application shall state the program or school preference of such pupil. Except as
36 otherwise provided in G.S. 115C-105.18 and this section, the application shall be
37 submitted to the intra-district participating school district by February 15 of each year
38 for enrollment during the subsequent academic year. For the 1990-91 academic year, an
39 application shall be submitted to the intra-district participating school district by July 1,
40 1990.

41 **"§ 115C-105.16. Intra-district participating school district; notice procedures.**

42 Except as otherwise provided in G.S. 115C-105.18 and this section, the intra-district
43 participating school district shall notify the parent by March 15 of each year as to
44 whether the parent's application made pursuant to G.S. 115C-105.15 has been approved

1 or denied. For the 1990-91 academic year, such notification shall be made by July 10,
2 1990.

3 **§ 115C-105.17. Intra-district participating school districts; procedures for**
4 **approval and denial of applications for intra-school district enrollment.**

5 (a) Each intra-district participating school district shall adopt criteria for the
6 approval and denial of applications made pursuant to G.S. 115C-105.15. Such criteria
7 shall include a preference for applications made by pupils who have had applications
8 approved by the intra-district participating school district for previous academic years.

9 (b) An intra-district participating school district may deny an application made
10 pursuant to G.S. 115C-105.15 for the following reasons:

11 (1) Lack of space within a particular program or school requested; or

12 (2) A court-approved desegregation plan that is in effect for the intra-
13 district participating school district.

14 (c) Except as otherwise provided in G.S. 115C-105.18 and subsection (a) of this
15 section, if the number of applications submitted exceeds the amount of space available
16 in a particular program or school within an intra-district participating school district, the
17 intra-district participating school district shall select at random the number of
18 applications for which there is space available in the particular program or school within
19 such intra-district participating school district. For purposes of this subsection,
20 applications made by pupils who have the same parent shall be treated as one
21 application.

22 **§ 115C-105.18. Desegregation plan; intra-district participating school district**
23 **procedures.**

24 (a) An intra-district participating school district which has a court-approved
25 desegregation plan may limit the number of pupils who transfer into and out of
26 particular programs and schools within such intra-district participating school district.

27 (b) Except as otherwise provided in this subsection, an application to transfer into
28 or out of particular programs and schools of an intra-district participating school district
29 which has a court-approved desegregation plan shall be submitted to the intra-district
30 participating school district by March 1 of each year for enrollment during the following
31 academic year. For the 1990-91 academic year, an application shall be submitted by
32 July 1, 1990.

33 (c) If approval of all of the applications would result in the intra-district
34 participating school district being out of compliance with its court-approved
35 desegregation plan, the intra-district participating school district shall establish the
36 number of majority and minority group pupils who may transfer into or out of particular
37 programs and schools of such intra-district participating school district. The intra-
38 district participating school district may approve or deny the applications in a manner
39 that will enable compliance with the court-approved desegregation plan. Except as
40 otherwise provided in this subsection, the intra-district participating school district shall
41 notify the parent by March 20 of each year whether the application of the pupil has been
42 approved or denied. For the 1990-91 academic year, notification shall be made by July
43 10, 1990.

44 **§ 115C-105.19. Parent's duty upon receipt of notice of acceptance.**

1 Within 10 days after receiving notification from an intra-district participating school
2 district of the acceptance of an application made pursuant to G.S. 115C-105.15, the
3 parent shall notify the intra-district participating school district whether the pupil
4 intends to enroll in the particular school or program in said intra-district participating
5 school district for the subsequent academic year pursuant to the terms of the approved
6 application. Failure to give notice pursuant to the provisions of this section shall result
7 in the relinquishment of all rights of the pupil to enroll in such school or program within
8 the intra-district participating school district for the subsequent academic year pursuant
9 to the terms of the approved application.

10 **"§ 115C-105.20. Distribution of information.**

11 Every school district shall make information available about the school district and
12 its schools, programs, graduation requirements, policies, and procedures to all interested
13 persons.

14 **"§ 115C-105.21. Cooperative agreements; school districts; shared programs.**

15 In order to promote the availability of diverse programs and the efficient use of
16 resources, any school district may enter into cooperative agreements with other school
17 districts to plan, develop, administer, and provide programs which are shared by such
18 school districts. School districts are encouraged to adopt policies regarding the
19 enrollment of pupils in such shared programs in order to facilitate pupil access to
20 programs shared by school districts pursuant to the provisions of this section.

21 **"§ 115C-105.22. Variance from Basic Education Plan.**

22 Notwithstanding G.S. 115C-81, any local school board that elects to be an inter-
23 district participating school district or intra-district participating school district as
24 defined under this Article, may also elect to vary from the Basic Education Program.
25 The resolution making the election shall contain a statement of the proposed variance,
26 the justification therefor, the fiscal and educational implications thereof and the
27 objectives sought to be obtained thereby."

28 Sec. 2. G.S. 115C-12(9) reads as rewritten:

29 "(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by the
30 State Board of Education shall be in conformity with the Constitution and subject to
31 such laws as may be enacted from time to time by the General Assembly. Among such
32 duties are:

- 33 a. To certify and regulate the grade and salary of teachers and other
34 school employees.
- 35 b. To adopt and supply textbooks.
- 36 c. To adopt rules requiring all local boards of education to implement the
37 Basic Education Program and any variances therefrom approved
38 pursuant to G.S. 115C-105.22 on an incremental basis within funds
39 appropriated for that purpose by the General Assembly and by units of
40 local government.

41 The Board shall develop a State accreditation program that meets
42 or exceeds the standards and requirements of the Basic Education
43 Program. The Board shall require each local school administrative unit
44 to comply with the State accreditation program to the extent that funds

1 have been made available to the local school administrative unit for
2 implementation of the Basic Education Program.

3 The Board shall use the State accreditation program to monitor the
4 implementation of the Basic Education Program.

5 d. To formulate rules and regulations for the enforcement of the
6 compulsory attendance law.

7 e. To manage and operate a system of insurance for public school
8 property, as provided in Article 38 of this Chapter.

9 In making substantial policy changes in administration, curriculum,
10 or programs the Board should conduct hearings throughout the regions
11 of the State, whenever feasible, in order that the public may be heard
12 regarding these matters."

13 Sec. 3. G.S. 115C-47(12) reads as rewritten:

14 "(12) To Implement the Basic Education Program. – Except with regard
15 to variances granted pursuant to G.S. 115C-105.22, ~~Local~~ local
16 boards of education shall implement the Basic Education Program
17 in accordance with rules adopted by the State Board. This
18 implementation shall include provision for the efficient teaching of
19 the course content required by the standard course of study."

20 Sec. 4. Effective when the components of the standard course of study have
21 been fully incorporated and implemented as part of the Basic Education Program, G.S.
22 115C-47(12), as amended by Section 3 of this act, reads as rewritten:

23 "(12) To implement the Basic Education Program. – Except with regard
24 to variances granted pursuant to G.S. 115C-105.22, local boards of
25 education shall implement the Basic Education Program in
26 accordance with rules adopted by the State Board. This
27 implementation shall include provision for the efficient teaching of
28 the course content required by the ~~standard course of study.~~ Basic
29 Education Program."

30 Sec. 5. This act is effective upon ratification.