

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 493

Short Title: Low Performing School Units.

(Public)

Sponsors: Representatives Nesbitt; H. Hunter and Rogers.

Referred to: Education.

April 1, 1991

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE STATE ASSISTANCE AND INTERVENTION IN LOW
PERFORMING SCHOOL UNITS.

The General Assembly of North Carolina enacts:

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

"ARTICLE 6A.

**"STATE ASSISTANCE AND INTERVENTION IN LOW
PERFORMING SCHOOL UNITS.**

"§ 115C-64.1. Identification of low performing school units.

The State Board of Education shall annually identify low performing local school
administrative units. Low performing local school administrative units are units in
which (i) student performance measures are substantially below, as defined by the State
Board, those reported by units with similar demographic characteristics and (ii) student
dropout rates are substantially higher than, as defined by the State Board, the average
statewide rate.

**"§ 115C-64.2. Development of plans to improve student performance and decrease
dropout rates.**

(a) Each identified local school administrative unit shall submit to the State
Board of Education a plan for improving student performance and decreasing dropout
rates. The plan may include requests for the State Board to waive State laws and
regulations so as to grant the unit the fiscal and programmatic flexibility necessary to
implement the plan. The State Board may grant such waivers if it finds that the waivers

1 are necessary and appropriate for the unit to improve student performance and decrease
2 dropout rates.

3 (b) The Department of Public Instruction shall contact each identified unit,
4 notify it of the services available through the Department to assist the unit in developing
5 its plan and in improving student performance and decreasing dropout rates, and assist
6 the unit in developing and implementing its plan.

7 **"§ 115C-64.3. Notification of parents and the general public.**

8 (a) Each identified unit shall notify the parents of students attending schools in
9 the unit that the State Board of Education has found that (i) student performance
10 measures in the unit are substantially below those reported by units with similar
11 demographic characteristics and (ii) student dropout rates are substantially higher than
12 the average statewide rate.

13 (b) The Department of Public Instruction shall prepare and release a report for
14 each identified unit. The report shall include the identified unit's description of the steps
15 it is taking to improve student performance measures and reduce student dropout rates.

16 **"§ 115C-64.4. Review of plans by the State Board; appointment of caretakers.**

17 (a) The State Board shall annually review the progress made in identified units.
18 If the State Board finds that a unit has not made satisfactory progress, as defined by the
19 State Board, the State Board shall appoint a caretaker administrator, a caretaker board,
20 or both.

21 (b) The State Board may assign any of the powers and duties of the local
22 superintendent and the local finance officer to the caretaker administrator as it deems
23 necessary and appropriate to improve student performance measures and reduce student
24 dropout rates in the unit. The caretaker administrator shall perform all of such powers
25 and duties. The State Board may dismiss any local superintendent or local finance
26 officer with whom a local board of education entered into a contract after July 1, 1991,
27 when it appoints a caretaker administrator. Neither party to any such contract shall be
28 entitled to damages.

29 (c) The State Board may assign any of the powers and duties of the local board
30 of education to a caretaker board as it deems necessary and appropriate to improve
31 student performance measures and reduce student dropout rates in the unit. The
32 caretaker board shall perform all of such powers and duties.

33 **"§ 115C-64.5. Adoption of rules.**

34 Prior to December 1, 1991, the State Board of Education shall adopt rules, policies,
35 and procedures to implement this Article, including rules, policies, and procedures for

36 (i) providing identified districts with assistance in developing and implementing
37 improvement plans, (ii) approving waivers of State laws and regulations as necessary
38 and appropriate to implement improvement plans, (iii) determining when caretaker
39 administrators and boards shall be appointed, (iv) appointing caretaker administrators
40 and boards, and (v) determining the term of caretaker administrators and boards."

41 Sec. 2. This act is effective upon ratification.