

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 42

Short Title: Alternative Schools Grants/Assignment.

(Public)

Sponsors: Senators Perdue; Cooper, Martin of Guilford, Odom, Gunter, Speed, Harris, Sands, Winner of Mecklenburg, Gulley, Marshall, Seymour, Ward, Parnell, Tally, and Daniel.

Referred to: Juveniles/Prevention.

February 9, 1994

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS FOR AN ALTERNATIVE SCHOOLS GRANT
2 PROGRAM AND TO PERMIT JUDGES TO ASSIGN STUDENTS TO
3 ALTERNATIVE SCHOOLS.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. (a) There is appropriated from the General Fund to Aid to Local
7 School Administrative Units the sum of thirty million dollars (\$30,000,000) for the
8 1994-95 fiscal year to provide grants of one-time funds for local school administrative
9 units to enable them to establish or expand alternative school programs. An alternative
10 school program is a program for students whose behaviors make it appropriate to serve
11 them outside of a standard classroom setting. Characteristics of the program may
12 include smaller classes and lower student/teacher ratios, school-to-work transition
13 activities, modification of curriculum and instruction to meet individual needs, flexible
14 scheduling, and necessary academic, vocational, and support services for students and
15 their families. Services may also include appropriate measures to teach responsibility,
16 good citizenship, and respect for rules and authority.

17 These funds shall be used only to construct, renovate, or otherwise provide
18 facilities for the program and for equipment, materials, supplies, and other one-time
19 expenses of establishing or expanding the alternative school program. The maximum
20 amount of each grant shall be five hundred thousand dollars (\$500,000).

21 (b) A local school administrative unit may apply for a grant, or two or more
22 adjacent local school administrative units may apply jointly for a grant.

1 (c) An applicant for a grant shall submit to the State Board of Education an
2 application that includes the following information:

- 3 (1) An assessment of the need for the establishment or expansion of an
4 alternative school program in the local school administrative unit.
- 5 (2) A detailed plan for the establishment or expansion of, and for the
6 operation of, the alternative school program. Applicants are
7 encouraged to include in this plan two approaches for serving students,
8 one for students whose behaviors are disruptive and threaten school
9 safety and one for students who (i) are not achieving at their full
10 potential, (ii) are at risk of academic failure, and (iii) would profit from
11 the alternative school setting.
- 12 (3) A statement of how the grant funds would be used and what other
13 resources would be used for the establishment or expansion of, and for
14 and operation of, the program.
- 15 (4) A process for assessing on an annual basis the success of the
16 alternative school program in meeting the needs of students assigned
17 to it and enabling them to return to a standard classroom setting, to a
18 job training program, or to gainful employment.

19 (d) In reviewing grant applications, the State Board of Education shall
20 consider the need for the establishment or expansion of an alternative school program in
21 the local school administrative unit, the likelihood that the plan will result in the
22 establishment or expansion of, and the operation of, a program that will benefit the
23 students assigned to it, and the level of commitment of the local school administrative
24 unit to the successful establishment or expansion of, and the operation of, the program.
25 The State Board shall also attempt to give grants to local school administrative units that
26 do not currently have alternative school programs, that are located geographically
27 throughout the State, that have different demographic profiles, and that propose
28 different plans for establishing or expanding, and operating the alternative school
29 program. The State Board shall select initial grant recipients as soon as possible and
30 shall select all grant recipients prior to January 1, 1996.

31 (e) The Department of Public Instruction shall provide technical assistance to
32 grant applicants and recipients of the development of plans for the development or
33 expansion of alternative school programs and on the implementation of those plans.

34 (f) The State Board of Education shall report to the Joint Legislative
35 Education Oversight Committee prior to March 15, 1995, and prior to January 15, 1996,
36 on how the funds are being used and on assistance provided to local school
37 administrative units by the Department of Public Instruction.

38 Sec. 2. G.S. 7A-648 is amended to add a new subdivision to read:

- 39 "(4) Unless the juvenile is a child with special needs pursuant to Article 9
40 of Chapter 115C of the General Statutes and notwithstanding any law
41 to the contrary, order that the juvenile attend an alternative school
42 program in the local school administrative unit if the juvenile has been
43 expelled or suspended by the local board of education or the judge
44 finds that the juvenile's behavior makes it appropriate for the juvenile

1 to attend an alternative school and it is in the best interest of the
2 juvenile and the local school administrative unit for the juvenile to
3 attend an alternative school.

4 If the juvenile is a child with special needs pursuant to Article 9 of
5 Chapter 115C of the General Statutes, request the child's local
6 educational agency to have the appropriateness of the child's
7 placement reconsidered in light of the judge's finding that the
8 juvenile's behavior makes it more appropriate for the juvenile to attend
9 an alternative school and it is in the best interest of the juvenile and the
10 local school administrative unit for the juvenile to attend an alternative
11 school."

12 Sec. 3. G.S. 115C-366(b) reads as rewritten:

13 "(b) Each local board of education shall assign to a public school each student
14 qualified for assignment under this section. Except as otherwise provided by G.S. 7A-
15 648(4) or any other provision of law, the authority of each board of education in the
16 matter of assignment of children to the public schools shall be full and complete, and its
17 decision as to the assignment of any child to any school shall be final."

18 Sec. 4. G.S. 115C-391(e) reads as rewritten:

19 "(e) A decision of a local board under subsection (c) or (d) is final and, except as
20 provided in this subsection, is subject to judicial review in accordance with Article 4 of
21 Chapter 150B of the General Statutes. A person seeking judicial review shall file a
22 petition in the superior court of the county where the local board made its decision.

23 The decision may also be modified in accordance with G.S. 7A-648(4)."

24 Sec. 5. This act becomes effective July 1, 1994.