

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 42

Select Committee on Juveniles/Prevention Committee Substitute Adopted 2/24/94

Short Title: Alternative Schools Grants/Assignment.

(Public)

Sponsors:

Referred to: Appropriations.

February 9, 1994

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

Section 1. (a) There is appropriated from the General Fund to Aid to Local School Administrative Units the sum of thirty million dollars (\$30,000,000) for the 1994-95 fiscal year to provide grants for local school administrative units to enable them to establish, expand, or continue alternative school programs. Of these funds, a maximum of two hundred thousand dollars (\$200,000) may be used by the Department of Public Instruction to provide technical assistance to grant applicants and recipients. An alternative school program is a program for students whose behaviors make it appropriate to serve them outside of a standard classroom setting. Characteristics of the program may include smaller classes and lower student/teacher ratios, school-to-work transition activities, modification of curriculum and instruction to meet individual needs, flexible scheduling, and necessary academic, vocational, and support services for students and their families. Services may also include appropriate measures to teach responsibility, good citizenship, and respect for rules and authority.

These funds may be used for continuing or noncontinuing expenses. The maximum amount of each grant shall be two hundred thousand dollars (\$200,000).

(b) A local school administrative unit may apply for a grant, or two or more adjacent local school administrative units may apply jointly for a grant. In designing the proposal the applicant shall collaborate with local governmental and

1 nongovernmental agencies that provide services to school-age children, including at a
2 minimum, schools, law enforcement, local government, youth services agencies and
3 organizations, job training organizations, mental health, and health care providers, so as
4 to design a program that avoids duplication of effort and expenditure of unnecessary
5 funds.

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

8 (1) An assessment of the need for the establishment or expansion of an
9 alternative school program in the local school administrative unit.

10 (2) A statement of the mission and goals of the program. To assist
11 applicants in developing a program or programs that best matches the
12 needs of the school unit, the Department of Public Instruction shall
13 develop materials and provide technical assistance to local units. The
14 Department shall identify a variety of alternative school models
15 including those developed by the Cities in Schools Program, the Youth
16 and Family Counseling Services including the Options programs, and
17 other successful programs being implemented throughout the State and
18 nationally. The Department shall assist local units in identifying and
19 modifying alternative school models to meet the needs of individual
20 units.

21 (3) A detailed plan for the establishment or expansion of, and for the
22 operation of, the alternative school program. Applicants are
23 encouraged to include in this plan how the plan will serve the needs of
24 several types of students including those: (i) whose behaviors are
25 disruptive and threaten school safety (ii) who are not achieving at their
26 full potential (iii) at risk of academic failure, and (iv) those that would
27 benefit from the alternative school setting.

28 (4) Which of the following criteria for alternative schools will be included
29 in the program as well as any additional criteria:

- 30 a. Provide a personalized and caring approach towards each
31 student and each student's academic program;
- 32 b. Emphasize to each student that attendance in the alternative
33 school program is a privilege and that an atmosphere in which
34 all students can learn must be maintained at all times;
- 35 c. Maintain a recommended student/teacher ratio of no more than
36 12 to 1;
- 37 d. Have worker/volunteers to provide community-based services
38 to students and their families;
- 39 e. When practicable, serve no more than 150 students in a single
40 alternative school program;
- 41 f. Permit flexible scheduling, including night classes;
- 42 g. Operate under rules and regulations developed by teachers and
43 students;
- 44 h. Increase student and parent involvement in decision making;

- 1 i. Place increased emphasis on developing self-esteem through
2 personal achievement;
- 3 j. Provide training in parenting to the parents of students in the
4 program and to students who have children;
- 5 k. Emphasize citizenship skill training, community service work,
6 responsible decision making, respect for cultural diversity,
7 listening and communication skills, nonviolent methods for
8 resolving conflict, including peer mediation;
- 9 l. Have a committed staff who have participated in staff
10 development activities on children with different learning styles
11 and on training in positive discipline techniques;
- 12 m. Work with local law enforcement officials to involve law
13 enforcement officers in teaching classes and in participating in a
14 positive way with students;
- 15 n. Enter into agreements with existing youth service organizations
16 to carry out alternative school activities; and
- 17 o. How the plan will be coordinated with the school improvement
18 plan and the school governance committee where applicable.
- 19 (5) A statement of how the grant funds would be used and what other
20 resources would be used for the establishment or expansion of, and for
21 and operation of, the program.
- 22 (6) A process for assessing on an annual basis the success of the
23 alternative school program in meeting the needs of students assigned
24 to it and enabling them to return to a standard classroom setting, to a
25 job training program, or to gainful employment.
- 26 (d) The State Board shall select grant recipients and shall develop guidelines for
27 the selection of grant recipients. These guidelines shall be submitted to the cochairs of
28 the Joint Legislative Education Oversight Committee and the cochairs of the Legislative
29 Research Commission's Committee on Alternative Schools no later than June 1, 1994.
30 In selecting grant recipients the State Board shall consider the recommendations of the
31 Superintendent. The State Board shall select all grant recipients no later than September
32 1, 1994.
- 33 (e) The Superintendent of Public Instruction shall appoint a task force to
34 assist the Superintendent in reviewing grant applications. The membership of the task
35 force shall be generally reflective of the racial, socioeconomic, and geographic diversity
36 of the State's population. The task force may include representatives of the Department
37 of Public Instruction, the Division of Social Services in the Department of Human
38 Resources, the Health Division in the Department of Environment, Health, and Natural
39 Resources, school social workers, educators, parents, the juvenile justice system, social
40 services, nongovernmental agencies providing services to children, and other members
41 that the Superintendent deems appropriate.
- 42 In reviewing grant applications, the Superintendent shall consider the
43 guidelines established by the State Board, the need for the establishment or expansion of
44 an alternative school program in the local school administrative unit, the likelihood that

1 the plan will result in the establishment or expansion of, and the operation of, a program
2 that will benefit the students assigned to it, and the level of commitment of the local
3 school administrative unit to the successful establishment or expansion of, and the
4 operation of, the program.

5 (f) The Department of Public Instruction shall provide technical assistance to
6 grant applicants and recipients of the development of plans for the development or
7 expansion of alternative school programs and on the implementation of those plans.

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

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

13 "(4) Unless the juvenile is a child with special needs pursuant to Article 9
14 of Chapter 115C of the General Statutes and notwithstanding any law
15 to the contrary, order that the juvenile attend an alternative school
16 program in the local school administrative unit if the juvenile has been
17 expelled or suspended by the local board of education or the judge
18 finds that the juvenile's behavior makes it appropriate for the juvenile
19 to attend an alternative school and it is in the best interest of the
20 juvenile and not adverse to the interest of the local school
21 administrative unit for the juvenile to attend an alternative school.

22 If the juvenile is a child with special needs pursuant to Article 9 of
23 Chapter 115C of the General Statutes, request the child's local
24 educational agency to have the appropriateness of the child's
25 placement reconsidered in light of the judge's finding that the
26 juvenile's behavior makes it more appropriate for the juvenile to attend
27 an alternative school and it is in the best interest of the juvenile and the
28 local school administrative unit for the juvenile to attend an alternative
29 school."

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

31 "(b) Each local board of education shall assign to a public school each student
32 qualified for assignment under this section. Except as otherwise provided by G.S. 7A-
33 648(4) or any other provision of law, the authority of each board of education in the
34 matter of assignment of children to the public schools shall be full and complete, and its
35 decision as to the assignment of any child to any school shall be final."

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

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

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

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