

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 749

Short Title: Local School Flexibility. (Public)

Sponsors: Representatives Lambeth and Hanes (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Commerce and Job Development, if favorable, Education.

April 11, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THE OPTION FOR A LOCAL BOARD OF EDUCATION TO  
3 APPLY TO THE STATE BOARD OF EDUCATION FOR FLEXIBILITY IN THE  
4 OPERATION OF ONE OR MORE OF THE SCHOOLS IN THE LOCAL SCHOOL  
5 ADMINISTRATIVE UNIT.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 16 of Chapter 115C of the General Statutes is amended by  
8 adding a new Part to read:

9 "Part 11. Local Board of Education Flexibility in the Operation of Schools.

10 "**§ 115C-238.74. Purpose.**

11 (a) The purpose of this Part is to authorize local boards of education to establish one or  
12 more schools in the local school administrative unit as satellite schools to expand student  
13 opportunities for educational success through high-quality, innovative instructional  
14 programming.

15 (b) Except as otherwise provided in this Part and pursuant to the provisions of its  
16 agreement with the State Board of Education, a satellite school is exempt from statutes and  
17 rules applicable to other public schools located in the local school administrative unit.

18 (c) For the purposes of this Article, a "satellite school" is a school approved by the State  
19 Board of Education under G.S. 115C-238.75.

20 "**§ 115C-238.75. Local board of education application; submission of applications for**  
21 **State Board approval.**

22 (a) Any local board of education seeking to establish one or more satellite schools may  
23 apply to the State Board of Education to establish a school in the local school administrative  
24 unit. Prior to submitting its application, the local board of education shall adopt a resolution  
25 stating its intent to establish one or more satellite schools. If the local board of education seeks  
26 to convert a school to a satellite school, the application shall include a statement signed by a  
27 majority of the teachers and instructional support personnel currently employed at the school  
28 indicating that they favor the conversion and evidence that a significant number of parents of  
29 children enrolled in the school favor conversion.

30 (b) An application submitted by the local board of education shall contain at least the  
31 following information pertaining to all of the schools it seeks to establish as satellite schools:

32 (1) The resolution adopted by the local board of education.

33 (2) A description of a program that the local board of education intends to  
34 operate in the school.



- 1           (3)    A description of student achievement goals for the school's educational  
2           program and the method of demonstrating that students have attained the  
3           skills and knowledge specified for those student achievement goals.  
4           (4)    The composition of a school committee with five to nine members to act as  
5           the advisory committee to the local board of education.  
6           (5)    The process to be followed by the school to ensure parental involvement.  
7           (6)    Admission policies and procedures.  
8           (7)    A proposed budget for the school, including any proposed salary or benefit  
9           changes and staffing changes involving current school employees, and  
10          evidence that the financial plan for the district charter school is economically  
11          sound.  
12          (8)    Requirements and procedures for program and financial audits.  
13          (9)    The terms of the agreement with the State Board of Education.  
14          (10)   The qualifications required for individuals employed by the school.  
15          (11)   The procedures by which students can be excluded from the school and  
16          returned to another public school located in the local school administrative  
17          unit. Notwithstanding any law to the contrary, any local board of education  
18          may refuse to admit to another public school any student who is suspended  
19          or expelled from a satellite school due to actions that would lead to  
20          suspension or expulsion from a public school under G.S. 115C-390.5  
21          through G.S. 115C-390.11 until the period of suspension or expulsion has  
22          expired.  
23          (12)   The number of students to be served, which number shall be at least 65, and  
24          the minimum number of teachers to be employed at the school, which  
25          number shall be at least three. However, the school may serve fewer than 65  
26          students or employ fewer than three teachers if the application contains a  
27          compelling reason, such as the school would serve a geographically remote  
28          and small student population.  
29          (13)   Information regarding the facilities to be used by the school and the manner  
30          in which administrative services of the school are to be provided.  
31          (c)    The local board of education shall submit an application to the State Board of  
32          Education for approval of a satellite school by April 1 prior to the school year in which the  
33          school shall operate as a satellite school. The State Board shall review and respond to the local  
34          board of education's application within 45 days of receipt.  
35          (d)    A satellite school approved by the State Board of Education shall operate under a  
36          written agreement signed by the local board of education and the State Board of Education. The  
37          agreement shall incorporate the information provided in the application, as modified during the  
38          approval process, and any terms and conditions imposed on the local board of education by the  
39          State Board.

40    **"§ 115C-238.76. Operation of satellite schools.**

41          (a)    Academic Program. –

- 42               (1)    The local board of education shall establish the standard course of study for  
43               the school. This course of study shall set forth the subjects to be taught in  
44               each grade and the texts and other educational materials on each subject to  
45               be used in each grade. The local board shall design its programs to meet at  
46               least the student performance standards adopted by the State Board of  
47               Education and the student performance standards contained in this Chapter.  
48               (2)    The local board of education shall conduct student assessments required by  
49               the State Board of Education.

1           (3)    The local board of education shall provide the opportunity to earn or obtain  
2                   credit toward degrees from a community college, subject to Chapter 115D of  
3                   the General Statutes or a constituent institution of The University of North  
4                   Carolina.

5           (4)    The local board of education shall adopt a school calendar consisting of a  
6                   minimum of 185 days or 1,025 hours of instruction covering at least nine  
7                   calendar months.

8           (b)    Standards of Performance and Conduct. – The local board of education shall  
9                   establish policies and standards for academic performance, attendance, and conduct for  
10                  students of the school. The policies of the local board shall comply with Article 27 of this  
11                  Chapter.

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

22          (d)    Reporting. – The local board of education shall comply with the reporting  
23                   requirements established by the State Board of Education in the Uniform Education Reporting  
24                   System.

25          (e)    Education of Children With Disabilities. – The local board of education shall  
26                   require compliance with laws and policies relating to the education of children with disabilities.

27          (f)    Health and Safety. – The local board of education shall require that the school meet  
28                   the same health and safety standards as other schools located in the local school administrative  
29                   unit.

30          (g)    Driving Eligibility Certificates. – The local board of education shall apply the rules  
31                   and policies established by the State Board of Education for issuance of driving eligibility  
32                   certificates.

33          (h)    Purchasing and Contracts. – The local board of education shall comply with the  
34                   purchasing and contract statutes and regulations applicable to other schools located in the local  
35                   school administrative unit.

36          (i)    North Carolina School Report Cards. – A satellite school shall ensure that the report  
37                   card issued for it by the State Board of Education receives wide distribution to the local press  
38                   or is otherwise provided to the public. A satellite school shall ensure that the overall school  
39                   performance score and grade earned by the school for the current and previous four school  
40                   years is prominently displayed on the school Web site. If a school is awarded a grade of D or F,  
41                   the school shall provide notice of the grade in writing to the parents or guardians of all students  
42                   enrolled in that school.

43    **"§ 115C-238.77. Review of operation and student performance by the State Board of**  
44    **Education; termination of status.**

45          (a)    The State Board of Education shall review the operation and student performance of  
46                   a satellite school at least once every five years to ensure that the school is meeting the expected  
47                   academic, financial, and governance standards set forth in the local board of education's  
48                   agreement and applicable State Board rules.

49               (1)    If a satellite school is inadequate in the first five years, the local board of  
50                   education shall develop a strategic plan to meet specific goals for student  
51                   performance that are consistent with State Board of Education criteria. The

1 strategic plan shall be reviewed and approved by the State Board. The State  
2 Board is authorized to terminate the satellite school's status for failure to  
3 demonstrate improvement under the strategic plan.

4 (2) If the satellite school is inadequate for more than five years, the State Board  
5 of Education is authorized to terminate the satellite school's status.

6 (b) Upon termination of a satellite school's status by the State Board of Education, the  
7 local board of education shall revert to operating the school in accordance with applicable State  
8 laws and regulations for other schools in the local school administrative unit. The State Board  
9 shall adopt rules for reversion.

10 **"§ 115C-238.78. Student admissions and assignment.**

11 (a) Admissions Preference. – A satellite school shall give preference for admission to  
12 any child who is qualified under the laws of this State for admission to the local school  
13 administrative unit before permitting enrollment of nondomiciled students.

14 (b) Admissions Criteria. – The board of directors shall establish criteria, standards, and  
15 procedures for admission of students.

16 (c) Lottery. – If the number of eligible students meeting the local board of education's  
17 admission criteria exceeds the seats available, students shall be accepted by lot.

18 **"§ 115C-238.79. Employees.**

19 The local board of education shall appoint all licensed and nonlicensed staff.

20 (1) Principal. – The local board of education shall employ and contract with a  
21 principal for a term not to exceed three years. The principal shall meet the  
22 requirements for certification set out in G.S. 115C-284, unless waived by the  
23 State Board of Education upon submission of a request by the local board of  
24 education. The principal shall be responsible for school operations and shall  
25 exercise those duties and powers delegated by the local board of education.

26 (2) Teachers. – The local board of education shall employ and contract with  
27 necessary teachers to perform the particular service for which they are  
28 employed in the school. At least fifty percent (50%) of teachers employed by  
29 the local board shall hold teacher licenses, unless waived by the State Board  
30 of Education upon submission of a request by the local board.

31 (3) Career status. – Employees of the local board of education at the satellite  
32 school shall not be eligible for career status. If a teacher employed by a local  
33 school administrative unit makes a written request for a leave of absence to  
34 teach at the school, the local school administrative unit shall grant the leave  
35 for one year. For the initial year of the school's operation, the local school  
36 administrative unit may require that the request for a leave of absence be  
37 made up to 45 days before the teacher would otherwise have to report for  
38 duty. After the initial year of the school's operation, the local school  
39 administrative unit may require that the request for a leave of absence be  
40 made up to 90 days before the teacher would otherwise have to report for  
41 duty. A local board of education is not required to grant a request for a leave  
42 of absence or a request to extend or renew a leave of absence for a teacher  
43 who previously has received a leave of absence from that local board under  
44 this subdivision. A teacher who has career status under G.S. 115C-325 prior  
45 to receiving a leave of absence to teach at the school may return to a public  
46 school in the local school administrative unit with career status at the end of  
47 the leave of absence or upon the end of employment at the school if an  
48 appropriate position is available. If an appropriate position is unavailable,

1 the teacher's name shall be placed on a list of available teachers in  
2 accordance with G.S. 115C-325(e)(2).

3 (4) Nonlicensed staff. – The local board of education also may employ  
4 necessary employees who are not required to hold teacher licenses to  
5 perform duties other than teaching and may contract for other services.

6 (5) Employment dismissal. – The local board of education may discharge  
7 licensed and nonlicensed employees according to the terms of the  
8 employment contract.

9 (6) Employee benefits. – Employees at the satellite school shall participate in  
10 the Teachers' and State Employees' Retirement System and the State Health  
11 Plan on the same terms as other employees employed by the local board of  
12 education.

13 (7) Exemptions. – Employees at the satellite school shall be exempt from  
14 Chapter 126 of the General Statutes, except Articles 6 and 7.

15 **"§ 115C-238.80. State and local funds.**

16 A satellite school shall receive State and local funds in the same manner as other schools  
17 located in the local school administrative unit in accordance with this Chapter.

18 **"§ 115C-238.81. Transportation and food services.**

19 (a) Transportation. – The local board of education shall develop a plan to provide  
20 transportation to the students domiciled in the district.

21 (b) Food Service. – The local school administrative unit shall provide, to the extent  
22 practicable, school food services to the satellite school. For purposes of federal funding through  
23 the National School Lunch Program or other federally supported food service programs, the  
24 local school administrative unit shall be permitted to include eligible students enrolled in the  
25 satellite school.

26 **"§ 115C-238.82. Criminal history record checks.**

27 Employees of a satellite school shall be subject to a criminal history check in accordance  
28 with G.S. 115C-332."

29 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
30 the 2013-2014 school year.