

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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BILL DRAFT 2013-MKz-150A [v.4] (03/28)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: Open Enrollment/Homeschool Pilot.

(Public)

Sponsors: Senator (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE SCHOOL CHOICE OPTIONS FOR PARENTS AND STUDENTS,  
3 AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION  
4 OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Article 25 of Chapter 115C of the General Statutes is amended by  
7 adding new sections to read:

8 "§ 115C-366.5. Open enrollment within a local school administrative unit.

9 (a) Notwithstanding any provisions of G.S. 115C-366 to the contrary, the parent or  
10 guardian of a student who is domiciled in a local school administrative unit, as provided in  
11 G.S. 115C-366, may request in accordance with the local school administrative unit's open  
12 enrollment plan, as required by subsection (b) of this section, that the student be assigned to a  
13 school of preference within that unit.

14 (b) Each local board of education shall adopt an open enrollment plan to allow for the  
15 assignment of students domiciled within its local school administrative unit to schools of  
16 preference pursuant to subsection (a) of this section. The plan shall include provisions that  
17 address, at a minimum, the following policies and procedures:

18 (1) An application process for the student to be eligible to participate in the open  
19 enrollment program.

20 (2) A process that allows parents to declare school preferences.

21 (3) A process that encourages placement of siblings within the same school.

22 (4) A lottery procedure used by the local school administrative unit to determine  
23 student assignment.

24 (5) The availability of transportation.

25 (6) A process that promotes strong parental involvement, including the  
26 designation of a parent liaison.

27 (7) A strategy that establishes a clearinghouse of information designed to assist  
28 parents in making informed choices.

29 (c) A local board of education shall not be required to do any of the following in  
30 implementing an open enrollment plan under this section:

31 (1) Establish and offer any particular program in a school if the program is not  
32 currently offered in the school.



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1           (2) Alter or waive any established eligibility criteria for participation in a  
2           particular school, including age requirements, course prerequisites, and  
3           required levels of performance.

4           (3) Enroll any student pursuant to this section in any school after September 30.

5       (d) A local board of education may deny a request for a student to be assigned to a  
6 school of preference under subsection (a) of this section for any of the following reasons:

7           (1) There is a lack of space or teaching staff within a particular school  
8           requested.

9           (2) The school requested does not offer appropriate programs or is not  
10          structured or equipped with the necessary facilities to meet the special needs  
11          of the student.

12          (3) The student does not meet the established eligibility criteria for enrollment at  
13          the school, including age requirements, course prerequisites, and required  
14          levels of performance.

15          (4) A desegregation plan is in effect for the local school administrative unit, and  
16          denial of the request is necessary to enable compliance with the plan.

17          (5) The student has been (i) suspended from a school under G.S. 115C-390.5  
18          through G.S. 115C-390.10, (ii) expelled from a school under  
19          G.S. 115C-390.11, (iii) expelled from a school for behavior that indicated  
20          the student's continued presence in school constituted a clear threat to the  
21          safety of other students or staff as found by clear and convincing evidence,  
22          or (iv) convicted of a felony in this or any other state.

23       (e) A local school administrative unit is encouraged to provide transportation to and  
24 from school for students assigned to schools of preference to increase the diversity of the  
25 student population at the schools within the unit. However, a local school administrative unit  
26 shall not be required to provide transportation for a student assigned to a school of preference  
27 pursuant to this section, unless otherwise required under State or federal law.

28       (f) This section shall not be construed to allow students to be assigned to a particular  
29 school for athletic participation purposes in violation of eligibility requirements established by  
30 the State Board of Education and the North Carolina High School Athletic Association.

31 **"§ 115C-366.6. Open enrollment between local school administrative units.**

32       (a) Notwithstanding any provisions of G.S. 115C-366 to the contrary, the parent or  
33 guardian of a student who is domiciled in a local school administrative unit, as provided in  
34 G.S. 115C-366, may request that the student be assigned to a school of preference through open  
35 enrollment in another local school administrative unit

36       (b) Each local board of education shall adopt policies and procedures that are  
37 reasonable and necessary to allow for students to be assigned to schools of preference through  
38 open enrollment with other local school administrative units.

39       (c) A local board of education shall not be required to do any of the following in  
40 providing for open enrollment in schools of preference under this section:

41           (1) Establish and offer any particular program in a school if the program is not  
42           currently offered in the school.

43           (2) Alter or waive any established eligibility criteria for participation in a  
44           particular school, including age requirements, course prerequisites, and  
45           required levels of performance.

46           (3) Enroll any student pursuant to this section in any school after September 30.

47       (d) A local board of education may deny a request for a student to be assigned to a  
48 school of preference under subsection (a) of this section for any of the following reasons:

49           (1) There is a lack of space or teaching staff within a particular school  
50           requested.

1           (2)    The school requested does not offer appropriate programs or is not  
2                    structured or equipped with the necessary facilities to meet the special needs  
3                    of the student.

4           (3)    The student does not meet the established eligibility criteria for enrollment at  
5                    the school, including age requirements, course prerequisites, and required  
6                    levels of performance.

7           (4)    A desegregation plan is in effect for the local school administrative unit, and  
8                    denial of the request is necessary to enable compliance with the plan.

9           (5)    The student has been (i) suspended from a school under G.S. 115C-390.5  
10                   through G.S. 115C-390.10, (ii) suspended from a school for conduct that  
11                   could have led to a suspension from a school within the local school  
12                   administrative unit where the student is seeking admission until the period of  
13                   suspension has expired, (iii) expelled from a school under  
14                   G.S. 115C-390.11, (iv) expelled from a school for behavior that indicated  
15                   the student's continued presence in school constituted a clear threat to the  
16                   safety of other students or staff as found by clear and convincing evidence,  
17                   or (v) convicted of a felony in this or any other state.

18       (e)    A student who enrolls in a school of preference pursuant to this section shall not be  
19                   charged tuition to attend the school.

20       (f)    The local school administrative unit in which the student is domiciled shall transfer  
21                   to the local school administrative unit in which the school of preference is located an amount  
22                   equal to the per pupil share of the local current expense fund of the local school administrative  
23                   unit for the fiscal year. The per pupil share of the local current expense fund of the local school  
24                   administrative unit in which the student is domiciled shall be transferred to the local school  
25                   administrative unit in which the school of preference is located within 30 days of the receipt of  
26                   monies into the local current expense fund. No amount of revenue derived from supplemental  
27                   taxes levied in the local school administrative unit in which the student is domiciled shall be  
28                   transferred to the other local school administrative unit.

29       (g)    A local school administrative unit shall not be required to provide transportation to  
30                   and from school for a student who is assigned to a school of preference pursuant to this section,  
31                   unless otherwise required under State or federal law.

32       (h)    This section shall not be construed to allow students to transfer from one local  
33                   school administrative unit to another for athletic participation purposes in violation of  
34                   eligibility requirements established by the State Board of Education and the North Carolina  
35                   High School Athletic Association."

36       **SECTION 1.(b)** G.S. 115C-366(d) reads as rewritten:

37       "(d)    A student domiciled in one local school administrative unit may be assigned either  
38                   with or without the payment of tuition to a public school in another local school administrative  
39                   unit upon the terms and conditions agreed to in writing between the local boards of education  
40                   involved and entered in the official records of the boards. The assignment shall be effective  
41                   only for the current school year, but may be renewed annually in the discretion of the boards  
42                   involved. This subsection shall not apply to the assignment of a student to a school of  
43                   preference through the open enrollment process pursuant to G.S. 115C-366.6."

44       **SECTION 2.(a)** The State Board of Education shall establish a pilot program to  
45                   authorize local school administrative units and charter schools to offer to home-schooled  
46                   students attending a home school under Part 3 of Article 39 of Chapter 115C of the General  
47                   Statutes a minimum of 90 hours of instruction per semester delivered either (i) on an individual  
48                   course basis, (ii) through programs specifically designed to provide home-school enrichment  
49                   opportunities, or (iii) through a combination of instructional methods. Implementation of the  
50                   pilot program in participating local school administrative units shall begin with the 2015-2016  
51                   school year, continue for a period of three school years, ending with the 2017-2018 school year.

1           **SECTION 2.(b)** Any local school administrative unit, or a charter school that has  
2 not reached the maximum number of students enrolled as set forth in its charter agreement, may  
3 apply to the State Board of Education to participate in the pilot program authorized by this  
4 section and shall include in its application at least the following information:

- 5           (1) The proposed method of delivery of instructional hours, including whether  
6 instruction shall be offered (i) on an individual course basis, (ii) as a  
7 comprehensive program specifically designed for home-schooled students,  
8 or (ii) a combination of both methods.
- 9           (2) The proposed site of instructional delivery, including whether home-  
10 schooled students shall participate in courses with other public school  
11 students at a public school or if courses are to be provided at an alternative  
12 facility or outside of regular school day hours.
- 13           (3) The number and types of courses proposed to be offered to home-schooled  
14 students.
- 15           (4) A plan to work with the parents of home-schooled students to develop  
16 potential tools for evaluating the educational progress of participating  
17 students.
- 18           (5) The capacity of students that the program will be designed to serve. If  
19 capacity is limited, the method for capping the number of students, such as  
20 admitting students on a first come, first serve basis or selection through a  
21 lottery.
- 22           (6) Plans for continued parental involvement and outreach to encourage the  
23 participation of home-schooled students in the program.

24           **SECTION 2.(c)** The State Board of Education shall select up to five local school  
25 administrative units and up to two charter schools from the pool of applicants. In selecting the  
26 participating local school administrative units and charter schools, the State Board shall,  
27 depending on the number and diversity of applications, choose units and charter schools  
28 representing a variety of instructional delivery and the geographic diversity of North Carolina's  
29 student population.

30           **SECTION 2.(d)** A participating local school administrative unit or charter school  
31 shall receive funding for each home-schooled student enrolled in courses or participating in a  
32 program designed to serve home-schooled students in an amount equal to one-half the average  
33 per pupil allocation for average daily membership from the local school administrative unit's  
34 allotments, except for the allocation for children with disabilities and for the allocation for  
35 children with limited English proficiency.

36           **SECTION 2.(e)** The State Board of Education and the Department of  
37 Administration, Division of Non-Public Education, shall collaborate with participating local  
38 school administrative units and charter schools to inform parents of home-schooled students of  
39 the opportunity for students to participate in the pilot program.

40           **SECTION 2.(d)** The State Board shall report on the initial implementation of the  
41 pilot program to the Joint Legislative Education Oversight Committee by January 30, 2016, and  
42 on final findings of the pilot program by December 1, 2018. At a minimum, the report shall  
43 include the following:

- 44           (1) The number of home-schooled students who have enrolled in courses or  
45 programs offered by the local school administrative units and charter  
46 schools.
- 47           (2) The number and type of courses offered by participating local school  
48 administrative units and charter schools, including the method of  
49 instructional delivery.
- 50           (3) The use of any student performance assessment tools by local school  
51 administrative units and charter schools to evaluate educational progress for

- 1                    those students participating in the program and the results of those  
2                    assessments, if applicable.
- 3            (4)    Information on the implementation, administration, and funding for the  
4                    program.
- 5            (5)    Recommendations on the modification, continuation, and potential  
6                    expansion of the program.

7                    **SECTION 3.** This act is effective when it becomes law. Section 1 of this act  
8                    applies beginning with the 2015-2016 school year.