

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1076  
Committee Substitute Favorable 5/11/05  
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Short Title: Alt. Learning Prog/Sch Proposals.

(Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT  
STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO  
REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS  
THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE  
ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR  
ALTERNATIVE SCHOOL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-12(24) reads as rewritten:

**"§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(24) Duty to Develop ~~Policies and Guidelines~~ Standards for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. – The State Board of Education shall adopt ~~guidelines~~ standards for assigning students to alternative learning programs. These ~~guidelines~~ standards shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision. The State Board also shall adopt policies that define what constitutes an alternative school and an alternative learning program.

1           The State Board of Education shall also adopt ~~guidelines~~ standards  
2 to require that local school administrative units shall use (i) the  
3 teachers allocated for students assigned to alternative learning  
4 programs pursuant to the regular teacher allotment and (ii) the teachers  
5 allocated for students assigned to alternative learning programs only to  
6 serve the needs of these students.

7           The State Board of Education shall provide technical support to  
8 local school administrative units to assist them in developing and  
9 implementing plans and proposals for alternative learning programs.

10          The State Board shall evaluate the effectiveness of alternative  
11 learning programs and, in its discretion, of any other programs funded  
12 from the Alternative Schools/At-Risk Student allotment. Local school  
13 administrative units shall report to the State Board of Education on  
14 how funds in the Alternative Schools/At-Risk Student allotment are  
15 spent and shall otherwise cooperate with the State Board of Education  
16 in evaluating the alternative learning programs. As part of its  
17 evaluation of the effectiveness of these programs, the State Board  
18 shall, through the application of the accountability system developed  
19 under G.S. 115C-105.35, measure the educational performance and  
20 growth of students placed in alternative schools and alternative  
21 programs. If appropriate, the Board may modify this system to adapt to  
22 the specific characteristics of these schools. Also as part of its  
23 evaluation, the State Board shall evaluate its standards adopted under  
24 this subdivision and make any necessary changes to those standards  
25 based on strategies that have been proven successful in improving  
26 student achievement."

27          ...."

28          **SECTION 2.** Article 8C of Chapter 115C of the General Statutes is amended  
29 by adding the following new section to read:

30 **"§ 115C-105.47A. Proposals to establish alternative learning programs or**  
31 **alternative schools.**

32          (a) Before establishing any alternative learning program or alternative school, the  
33 local board of education shall develop a proposal to implement the program or school  
34 that includes all of the following:

- 35           (1) The educational and behavioral goals for students assigned to the  
36 program or school.  
37           (2) The policies and procedures for the operation of the program or school  
38 based on the State Board's standards adopted under G.S. 115C-12(24).  
39 The policies and procedures shall address the assignment of students to  
40 the program or school.  
41           (3) Identified strategies that will be used to improve student achievement  
42 and behavior.

- 1           (4)    Documentation that similar programs and schools in or out of the  
 2           State, or both, have demonstrated success in improving the academic  
 3           achievement and behavior of students assigned to them.
- 4           (5)    The estimated actual cost of operating the program or school. To the  
 5           extent practicable, this shall include the cost of:
  - 6           a.    Staffing the program or school with teachers who have at least  
 7           four years' teaching experience and who have received an  
 8           overall rating of at least above standard on a formal evaluation  
 9           and are certified in the areas and grade levels being taught;
  - 10          b.    Providing optimum learning environments, resources and  
 11          materials, and high quality, ongoing professional development  
 12          that will ensure students who are placed in the program or  
 13          school are provided enhanced educational opportunities in order  
 14          to achieve their full potential;
  - 15          c.    Providing support personnel, including school counselors,  
 16          psychiatrists, clinical psychologists, social workers, nurses, and  
 17          other professionals to help students and their families work out  
 18          complex issues and problems;
  - 19          d.    Maintaining safe and orderly learning environments; and
  - 20          e.    Providing transitional supports for students exiting the program  
 21          or school and reentering the referring school.
- 22          (6)    Documented support of school personnel and the community for the  
 23          implementation of the program or school.

24          (b)    After the local board completes the proposal under subsection (a) of this  
 25          section, the board shall submit the proposal to the State Board of Education for its  
 26          review. The State Board shall review the proposal expeditiously and, if appropriate,  
 27          may offer recommendations to modify the proposal. The local board shall consider any  
 28          recommendations made by the State Board before implementing the alternative learning  
 29          program or alternative school."

30                **SECTION 3.** G.S. 115C-47(32a) reads as rewritten:

31                **"§ 115C-47. Powers and duties generally.**

32                In addition to the powers and duties designated in G.S. 115C-36, local boards of  
 33                education shall have the power or duty:

- 34                ...
- 35                (32a) To Establish Alternative Learning Programs and Develop Policies and  
 36                Guidelines. – Each local board of education shall establish at least one  
 37                alternative learning program and shall adopt guidelines for assigning  
 38                students to alternative learning programs. These guidelines shall  
 39                include (i) a description of the programs and services to be provided,  
 40                (ii) a process for ensuring that an assignment is appropriate for the  
 41                student and that the student's parents are involved in the decision, and  
 42                (iii) strategies for providing alternative learning programs, when  
 43                feasible and appropriate, for students who are subject to long term  
 44                suspension or expulsion. In developing these guidelines, local boards

1 shall consider the State Board's ~~policies and guidelines~~ standards  
2 developed under G.S. 115C-12(24). Upon adoption of policies and  
3 guidelines under this subdivision, local boards are encouraged to  
4 incorporate them in their safe school plans developed under  
5 G.S. 115C-105.47.

6 The General Assembly urges local boards to adopt policies that  
7 prohibit superintendents from assigning to any alternative learning  
8 program any professional public school employee who has received  
9 within the last three years a rating on a formal evaluation that is less  
10 than above standard.

11 Notwithstanding this subdivision, each local board shall adopt  
12 policies based on the State Board's standards developed under  
13 G.S. 115C-12(24). These policies shall apply to any new alternative  
14 learning program or alternative school that is implemented beginning  
15 with the 2006-2007 school year. Local boards of education are  
16 encouraged to apply these standards to alternative learning programs  
17 and alternative schools implemented before the 2006-2007 school  
18 year.

19 Local boards shall assess on a regular basis whether the unit's  
20 alternative schools and alternative learning programs comply with the  
21 State Board's standards developed under G.S. 115C-12(24) and  
22 whether they incorporate best practices for improving student  
23 academic performance and reducing disruptive behavior, are staffed  
24 with professional public school employees who are well trained and  
25 provided with appropriate staff development, are organized to provide  
26 coordinated services, and provide students with high quality and  
27 rigorous academic instruction.

28 ...."

29 **SECTION 4.** Before implementing success centers or any other alternative  
30 learning program or alternative school in New Hanover County, the New Hanover  
31 Board of Education shall comply with G.S. 115C-105.47A established in Section 2 of  
32 this act. The State Board of Education shall submit to the Joint Legislative Education  
33 Oversight Committee a copy of the proposal submitted by the New Hanover Board of  
34 Education and a copy of any recommendations made by the State Board.

35 **SECTION 5.** Nothing in this act requires the North Carolina General  
36 Assembly to appropriate funds for the implementation of alternative learning programs  
37 or alternative schools.

38 **SECTION 6.** This act is effective when it becomes law. Except as provided  
39 in Section 4 of this act, this act applies to any new alternative learning program or  
40 alternative school to be implemented beginning with the 2006-2007 school year.