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SENATE BILL DRS35411-MKa-246

Short Title: UNC Laboratory School Modifications. (Public)

Sponsors: Senators Hise and Ballard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE MODIFICATIONS RELATED TO THE UNIVERSITY OF NORTH
3 CAROLINA LABORATORY SCHOOLS AND TO APPROPRIATE FUNDS FOR THEIR
4 OPERATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 116-239.5 is amended by adding a new subsection to read:

7 "(e) In addition to all other immunities provided to them by applicable State law, the
8 Subcommittee, chancellor, the constituent institution, an advisory board, and a laboratory school,
9 and their members, employees, and agents shall be entitled to the specific immunities provided
10 for in Chapter 115C of the General Statutes applying to the State Board of Education,
11 Superintendent of Public Instruction, a local board of education, a local school administrative
12 unit, and their members and employees. Any such immunity to liability established by this
13 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that
14 would otherwise be actionable. Immunity established by this subsection shall be deemed to be
15 waived to the extent of indemnification under Article 31A and Article 31B of Chapter 143 of the
16 General Statutes and to the extent sovereign immunity is waived under the Tort Claims Act, as
17 set forth in Article 31 of Chapter 143 of the General Statutes."

18 **SECTION 2.** G.S. 116-239.7(b) reads as rewritten:

19 "(b) Resolution by the Subcommittee to Approve a Laboratory School. – The
20 Subcommittee shall adopt a resolution upon the approval of each laboratory school, which shall
21 include the following:

- 22 (1) Name of the laboratory school.
- 23 (2) The local school administrative unit in which the laboratory school shall be
24 located.
- 25 (3) A term of operation for the laboratory school of five years from the date of
26 initial operation. At the end of the initial five years of operation, the
27 Subcommittee shall renew the term of operation for additional five-year
28 periods under the resolution if the laboratory school is still located in a local
29 school administrative unit that has twenty-five percent (25%) or more of the
30 schools located in the unit identified as low-performing under
31 G.S. 115C-105.37, or if the Subcommittee renews a waiver of this
32 requirement under subsection (a2) of this section, ~~the resolution may be~~
33 ~~renewed by the Subcommittee at the end of the term for an additional five~~
34 ~~years.~~ section. If the laboratory school is no longer (i) located in a qualifying
35 local school administrative unit or (ii) meeting the purposes of this Article
36 under a waiver at the end of five years, the Subcommittee ~~shall~~ may renew the



1 term of operation for additional five-year periods under the resolution if the
2 Subcommittee finds the school is successfully meeting its mission to improve
3 student performance and provide valuable exposure and training for teachers
4 and principals in the constituent institution's educator preparation program.
5 The Subcommittee may terminate operation of any laboratory school during
6 the initial term of operation or during a five-year renewal period if the
7 Subcommittee finds it is failing to meet expected progress toward meeting the
8 mission of the school consistent with the requirements of this Article. The
9 Subcommittee shall notify the Board of Governors of the end of the term of
10 operation of a laboratory school and request designation of additional
11 constituent institutions with educator preparation programs to establish a
12 laboratory school in accordance with the provisions of this Article."

13 **SECTION 3.** G.S. 116-239.8(b)(4) reads as rewritten:

14 "(4) ~~Food and transportation services.~~ Operation and Maintenance of Laboratory
15 Schools. – The chancellor and the local school administrative unit shall do the
16 following for the operation and maintenance of the laboratory school:

17 a. Facilities and leases. – The local school administrative unit in which
18 the laboratory school is located shall lease adequate facilities to the
19 constituent institution for use as a laboratory school. The lease shall
20 include use of or access to any existing buildings, parking areas,
21 playgrounds, driveways required for ingress and egress, furniture,
22 classroom space, a cafeteria or multipurpose room, moveable
23 equipment, appliances, playground materials, including a library
24 collection, instructional materials and classroom and other technology
25 equipment necessary to operate the laboratory school. Lease payments
26 by the constituent institution shall not exceed one dollar (\$1.00), and
27 the lease term shall be terminated if the laboratory school ceases
28 operation. It is the obligation of the local school administrative unit to
29 maintain the facilities and premises of the laboratory school, at its cost,
30 and to keep them in good repair and tenantable condition by providing,
31 at its cost, all routine custodial services and routine facilities
32 maintenance services, including routine indoor maintenance, routine
33 mowing, trimming, and maintenance of exterior landscaping and snow
34 removal, and timely repair of the facilities and premises. The
35 chancellor is authorized to execute the lease agreement and
36 memoranda of agreement for the operation of a laboratory school, but
37 in no event shall any of the agreements expand the costs to be borne
38 by the constituent institution for the operation of a laboratory school
39 beyond those expressly provided for in this Article.

40 b. Technology. – In the event a constituent institution provides
41 technological upgrades to a laboratory school, the local school
42 administrative unit may purchase a technology upgrade from the
43 constituent institution upon the closure of the laboratory school. The
44 local school administrative unit in which the laboratory school is
45 located shall provide, at its cost, technology support for the
46 PowerSchool application as provided by the State Board of Education
47 pursuant to G.S. 115C-12(18), systems administration, service desk
48 support, and technician support related to the operation of the
49 laboratory school. The chancellor shall arrange for the provision of
50 these services from the local school administrative unit.

- 1 c. Transportation. – The local school administrative unit in which the
 2 laboratory school is located shall ~~provide food services and~~ provide, at
 3 its cost, transportation to students ~~attending who reside in the local~~
 4 school administrative unit and attend the laboratory school, ~~school,~~
 5 including any students who are homeless and require assistance
 6 pursuant to 42 U.S.C. § 11301, et seq., the McKinney-Vento Homeless
 7 Assistance Act. The requirement to provide transportation to students
 8 residing in the local school administrative unit shall (i) apply
 9 regardless of where a laboratory school student resides in the unit or
 10 how the unit's transportation policies and practices are applied to other
 11 students and (ii) include providing transportation of students and
 12 personnel for laboratory school extracurricular activities and
 13 educational trips in the same manner as other schools in the unit for
 14 that school year. The chancellor shall arrange for the provision of these
 15 services from the local school administrative unit.
- 16 d. Food services. – The local school administrative unit in which the
 17 laboratory school is located shall ~~administer~~ administer, at its cost, the
 18 National School Lunch Program for the laboratory school in
 19 accordance with G.S. 115C-264. The chancellor shall arrange for the
 20 provision of these services from the local school administrative unit.
- 21 e. Student support services. – The local school administrative unit in
 22 which the laboratory school is located shall provide, at its cost, all
 23 student support services for the operation of the laboratory school,
 24 including (i) services required by the Department of Public Instruction
 25 for children with disabilities, (ii) children and family support services,
 26 including social worker and school nurse services, (iii) other health
 27 services, including dental screenings, vision screenings, and similar
 28 health services that apply to other students enrolled in the local school
 29 administrative unit, (iv) parent involvement coordinator services, and
 30 (v) school counselor services. The chancellor shall arrange for the
 31 provision of these services from the local school administrative unit."

32 **SECTION 4.** G.S. 116-239.9 reads as rewritten:

33 "**§ 116-239.9. Student admissions and assignment.**

34 (a) A child shall be eligible to attend a laboratory school if the child resides in the local
 35 school administrative unit in which a laboratory school is located and meets at least one of the
 36 following criteria:

- 37 (1) Is assigned to a low-performing school, as defined by G.S. 115C-105.37 at the
 38 time of the student's application.
- 39 (2) Did not meet expected growth in the prior school year based on one or more
 40 indicators listed in subsection (c1) of this section.
- 41 (3) Is the sibling of a child who is eligible under subdivision (1) or (2) of this
 42 subsection.
- 43 (4) Is the child of a laboratory school employee.

44 (b) No local board of education shall require any student enrolled in the local school
 45 administrative unit to attend a laboratory school.

46 (c) During each period of enrollment, the laboratory school shall enroll an eligible student
 47 under subsection (a) of this section who submits a timely application, up to the capacity of a
 48 program, class, grade level, or building, in the order in which applications are received. Once
 49 enrolled, students are not required to reapply in subsequent enrollment periods. The laboratory
 50 school may give enrollment priority to the sibling of an enrolled student who attended the
 51 laboratory school in the prior school year.

1 (c1) For the purposes of this Article, any of the following shall serve as indicators that a
2 student did not meet expected student growth in the prior school year: (i) grades, (ii) observations,
3 (iii) diagnostic and formative assessments, (iv) State assessments, or (v) other factors, including
4 reading on grade level.

5 (c2) Notwithstanding the requirements of subsection (a) of this section, if a laboratory
6 school has not reached enrollment capacity in a program, class, grade level, or building by March
7 1, prior to the start of the next school year, the laboratory school may enroll children who reside
8 in the local school administrative unit in which the laboratory school is located but do not meet
9 one of the criteria set forth in subdivisions (1) through (4) of subsection (a) of this section for up
10 to twenty percent (20%) of the total capacity of the program, class, grade level, or building.

11 (d) Notwithstanding any law to the contrary, a laboratory school may refuse admission
12 to any student who has been expelled or suspended from a public school under G.S. 115C-390.5
13 through G.S. 115C-390.11 until the period of suspension or expulsion has expired.

14 (e) Within one year after a laboratory school begins operation, the laboratory school shall
15 make reasonable efforts in the recruitment process for the population of the school to reasonably
16 reflect the racial, ethnic, and socioeconomic composition of the general population of the students
17 residing within the local school administrative unit in which the school is located. A laboratory
18 school shall not unlawfully discriminate when making admissions determinations."

19 **SECTION 5.** Section 11.6(d) of S.L. 2016-94, as amended by Section 4 of S.L.
20 2017-117, reads as rewritten:

21 "**SECTION 11.6.(d)** Notwithstanding G.S. 116-239.5, (i) at least ~~nine~~ six laboratory schools
22 shall be established pursuant to Article 29A of Chapter 116 of the General Statutes, as enacted
23 by this section, and in operation by the beginning of the ~~2019-2020-2020-2021~~ school year and
24 (ii) at least an additional three laboratory schools shall be established pursuant to Article 29A of
25 Chapter 116 of the General Statutes and in operation by the beginning of the 2022-2023 school
26 year."

27 **SECTION 6.** There is appropriated from the General Fund to the Board of Governors
28 of The University of North Carolina the sum of eight hundred ninety-five thousand dollars
29 (\$895,000) in nonrecurring funds for the 2020-2021 fiscal year to be allocated to constituent
30 institutions operating laboratory schools pursuant to Article 29A of Chapter 116 of the General
31 Statutes during the 2020-2021 school year on a pro rata basis to be used for laboratory school
32 lease and facilities maintenance costs, technology costs, transportation services costs, food
33 services costs, and student support services costs incurred by the laboratory schools.

34 **SECTION 7.** Section 6 of this act becomes effective July 1, 2020. The remainder of
35 this act is effective when it becomes law. Section 1 of this act applies to an action or omission of
36 an action occurring on or after the date this act becomes law. Section 4 of this act applies
37 beginning with the 2020-2021 school year. Section 3 of this act applies to a memorandum of
38 understanding entered into on or after the date this act becomes law and applies beginning with
39 the 2021-2022 school year and subsequent school years.