

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 644  
Committee Substitute Favorable 5/4/21  
Third Edition Engrossed 5/5/21

Short Title: Remote Academies.

(Public)

Sponsors:

Referred to:

April 26, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE USE OF REMOTE ACADEMIES BY LOCAL SCHOOL  
3 ADMINISTRATIVE UNITS.

4 The General Assembly of North Carolina enacts:

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

7 "Part 3A. Remote Academies.

8 "§ 115C-234. Remote academies.

9 (a) A local board of education may apply to the State Board of Education for approval of  
10 remote academies that meets the requirements of this Part. The State Board of Education shall  
11 limit total enrollment in all remote academies granted to the local school administrative unit to  
12 no more than ten percent (10%) of the total student enrollment of that unit. The State Board shall  
13 grant no more than the following numbers of remote academies per local school administrative  
14 unit, based on student enrollment at the time of application:

- 15 (1) One remote academy for local school administrative units with 15,000 or  
16 fewer students.  
17 (2) Two remote academies for local school administrative units with between  
18 15,001 and 30,000 students.  
19 (3) Three remote academies for local school administrative units with between  
20 30,001 and 50,000 students.  
21 (4) Four remote academies for local school administrative units with between  
22 50,001 and 100,000 students.  
23 (5) Five remote academies for local school administrative units with more than  
24 100,000 students.

25 (b) A remote academy is a public school that provides a majority of instructional hours  
26 through remote instruction to all students enrolled in the school. Remote instruction is instruction  
27 that primarily uses technology to deliver instructional content over the internet to students in a  
28 remote location both synchronously and asynchronously.

29 (c) A local board of education shall not provide the majority of instructional hours  
30 through remote instruction in a school except as provided in this Part.

31 "§ 115C-234.5. Remote academy requirements.

32 (a) Except as provided in this Part, a remote academy shall meet all requirements for a  
33 public school included in this Chapter.

34 (b) Notwithstanding Article 17 of this Chapter, a remote academy shall not be required  
35 to provide transportation or food services to enrolled students.



1       (c)     A remote academy may include any combination of grade levels.

2       (d)     The following students shall be eligible to attend a remote academy:

3           (1)    A student whose parent or guardian applies for admission on that student's  
4                behalf, including a commitment to provide internet connectivity for that  
5                student if accepted into the remote academy. A student with an individualized  
6                education program (IEP), as defined in G.S. 115C-106.3(8), shall be permitted  
7                to enroll in a remote academy only if the student's IEP team determines that  
8                the remote academy is the least restrictive alternative environment for that  
9                student.

10          (2)    A student on a short-term or long-term suspension from another public school  
11                who is assigned to the remote academy by the local school administrative unit  
12                operating such remote academy when internet connectivity for that student is  
13                available.

14       (e)     A remote academy shall provide any hardware and software needed to participate in  
15       the remote academy to an enrolled student. The local board of education may not charge any  
16       student a rental fee for the use of hardware or software. A student's parents or legal guardians  
17       may be charged damage fees for abuse or loss of hardware or software under rules adopted by  
18       the State Board of Education.

19       (f)     A remote academy may require students to attend in-person or proctored assessment  
20       for State-mandated student assessments or to fulfill graduation requirements identified by the  
21       academy and may conduct optional in-person meetings between students and instructors or  
22       parents and instructors at a public school facility.

23       (g)     The State Board of Education shall establish by rule additional minimum  
24       requirements for student monitoring, including, but not limited to, compliance with  
25       G.S. 115C-84.2, student attendance and testing requirements, infrastructure, and delivery of  
26       instruction in remote academies.

27       **"§ 115C-234.10. Remote academy approval process.**

28       (a)     Each local board of education seeking to offer a remote academy shall submit to the  
29       State Board of Education for approval a plan that provides for the following:

30           (1)    Considerations the local school administrative unit will make when reviewing  
31                applications for enrollment to attend the remote academy.

32           (2)    The range of grades for which the remote academy will offer courses.

33           (3)    The method by which the remote academy will monitor enrollment, course  
34                credit accrual, progress toward graduation, and course completion.

35           (4)    Hardware, software, and other infrastructure that supports online learning.

36           (5)    The minimum amount of synchronous instruction time required to complete a  
37                course, including the amount of time each student must spend in synchronous  
38                instruction with a licensed teacher to complete a course.

39           (6)    The professional development that will be provided to those teaching in the  
40                remote academy related to the pedagogy of providing remote instruction.

41           (7)    The method by which student proficiency in a course will be tested or  
42                measured.

43           (8)    The method by which the remote academy will meet requirements for physical  
44                education under the laws of the State.

45           (9)    The method by which the remote academy will communicate student progress  
46                with parents or legal guardians, including providing for in-person meetings at  
47                the discretion of the principal of the remote academy.

48           (10)   The method for determining location for, safety precautions during, and  
49                personnel at an in-person meeting if the remote academy plans to offer  
50                optional in-person meetings.

1           (11) The means by which the local school administrative unit will communicate to  
2           the parents and legal guardians of prospective applicants and current enrollees  
3           information about the remote academy so that parents and legal guardians may  
4           make informed decisions about enrollment.

5           (b) The State Board of Education shall review and approve a plan submitted by a local  
6           school board for the creation of a remote academy that meets the requirements established in this  
7           Part. A remote academy shall be approved for a period of five school years, and may be renewed  
8           for additional five-year terms, upon resubmission of an application.

9           (c) The State Board may revoke approval of a remote academy at any time on the basis  
10          of substantial noncompliance with the requirements of this Part or the approved plan.

11          **§ 115C-234.15. Operation of remote academies.**

12          (a) Each approved remote academy shall adhere to the plan submitted to and approved  
13          by the State Board of Education unless the local school administrative unit obtains in writing  
14          approval for plan modifications from the State Board of Education.

15          (b) Each approved remote academy shall receive a school code and shall be assigned a  
16          principal for that school.

17          **§ 115C-234.20. Evaluation.**

18          The State Board of Education shall evaluate the success of remote academies approved under  
19          this Part. Success shall be measured by school performance scores and grades, retention rates,  
20          attendance rates, and for grades nine through 12, high school completion and dropout rates. The  
21          Board shall report by November 15 of each year to the Joint Legislative Education Oversight  
22          Committee on the evaluation of these schools and on any recommended statutory changes."

23          **SECTION 2.** The State Board of Education shall adopt emergency rules for the  
24          implementation of Part 3A of Article 16 of Chapter 115C of the General Statutes, as enacted by  
25          this act, for use in the 2021-2022 school year only, in accordance with G.S. 150B-21.1A.

26          **SECTION 3.** The State Board of Education shall make the first evaluation report  
27          required by G.S. 115C-234.20, as enacted by this act, by November 15, 2022.

28          **SECTION 4.** Notwithstanding the limitations established by Part 3A of Article 16  
29          of Chapter 115C of the General Statutes, as enacted by this act, a local school administrative unit  
30          that has been assigned a school code to operate a school with virtual instruction as the primary  
31          means of instruction by May 1, 2021, may continue to operate that school and provide virtual  
32          instruction at that school to satisfy the minimum required number of instructional days or hours  
33          for the school calendar during the 2021-2022 school year.

34          **SECTION 5.** A charter school may provide blended learning that includes virtual  
35          instruction during the 2021-2022 school year if the Office of Charter Schools has approved a  
36          curriculum amendment allowing blended learning for that school for the 2021-2022 school year  
37          no later than September 1, 2021.

38          **SECTION 6.** This act is effective when it becomes law and applies beginning with  
39          the 2021-2022 school year.