

§ 115C-75.7. (Repealed effective June 30, 2023 — see note) Selection of innovative schools.

(a) State Board Selection. – The State Board of Education shall only select schools for transfer to the ISD in accordance with this section.

(b) Evaluation Process. – The selection of innovative schools shall be based on an analysis and evaluation of performance of qualifying schools over a three-year period as follows:

- (1) Qualifying list. – In the first school year in which a school has been identified as a qualifying school based on data from the previous school year, the school shall be placed on the ISD qualifying list. By November 15, the ISD Superintendent shall notify the superintendent and local board of education of that school's status and provide that school's performance data, considerations for improvement, and any additional information deemed necessary by the ISD Superintendent. The local board of education shall notify parents of students enrolled in the qualifying school by electronic mail or the parents' preferred method of written communication of (i) the school's status, (ii) potential impacts of the designation, including becoming an innovative school, (iii) plans for improvement of the school, and (iv) any additional information deemed necessary by the local board of education.
- (2) Watch list. – If a school that was on the qualifying list in the prior school year remains a qualifying school in the next school year, the school shall be placed on the ISD watch list. By November 15, the ISD Superintendent shall notify the superintendent and local board of education of that school's status and provide that school's performance data, considerations for improvement, and any additional information deemed necessary by the ISD Superintendent. The local board of education shall notify parents of students enrolled in the qualifying school by electronic mail or the parents' preferred method of written communication of (i) the school's status, (ii) potential impacts of the designation, including becoming an innovative school, (iii) plans for improvement of the school, and (iv) any additional information deemed necessary by the local board of education.
- (3) Warning list. – If a school that was on the watch list in the prior school year remains a qualifying school in the next school year, the school shall be placed on the ISD warning list. A school shall remain on the ISD warning list until it is either (i) no longer a qualifying school or (ii) is transferred to the ISD. By November 15, the ISD Superintendent shall notify the superintendent and local board of education of that school's status and provide that school's performance data, considerations for improvement, and any additional information deemed necessary by the ISD Superintendent. The local board of education shall do the following:
 - a. For any qualifying school that is in its first year on the warning list, the local board of education shall hold a public hearing with a minimum of 10 days' notice that meets the following requirements:
 1. The local board of education shall provide direct notice of the public hearing to parents of students, employees assigned to that school, and the ISD Superintendent.
 2. At the public hearing, the local board of education shall share potential impacts of the designation, including becoming an innovative school, plans for improvement of the school, and any additional information deemed necessary by the ISD Superintendent.

3. The ISD Superintendent shall be provided the opportunity to present at the public hearing, including information about (i) the ISD selection process, (ii) potential impacts of the designation as an innovative school, (iii) potential resources, strategies, and partners for comprehensive support and improvement that can assist in plans for improvement of the school, and (iv) any additional information deemed necessary by the ISD Superintendent.
- b. For any qualifying school that was on the warning list during the previous school year, the local board of education shall notify parents of students enrolled in the qualifying school by electronic mail or the parents' preferred method of written communication of (i) the school's status, (ii) potential impacts of the designation, including becoming an innovative school, (iii) plans for improvement of the school, and (iv) any additional information deemed necessary by the local board of education.
- c. Present information at a regularly scheduled public meeting of the board of commissioners of the county in which the local school administrative unit is located on the school's performance while on an ISD list and efforts by the local board of education to improve the school's performance. The board of commissioners shall provide an opportunity for the presentation and shall notify the board of education of the public meeting at which the presentation shall occur. The local board of education shall provide notice of the date and time of the public meeting at which the presentation will occur to the ISD Superintendent 10 days prior to the meeting and provide the opportunity to the Superintendent to present as part of the presentation at the public meeting.

(b1) Support Process. – The State Board of Education shall ensure that qualifying schools identified for any ISD list are engaged in strategies in compliance with federal and State law for comprehensive support and improvement. The State Board of Education may establish criteria for the selection of independent turnaround school consultants in a pay-for-performance model to provide direct support for qualifying schools. The ISD Superintendent shall monitor those schools and assist local boards of education in identifying funding, strategies, and partners for comprehensive support and improvement efforts.

(b2) Local Board of Education Action. – Local boards of education shall identify and engage in strategies in compliance with federal and State law for comprehensive support and improvement of qualifying schools. A local board of education member with an immediate family member, as defined in G.S. 115C-12.2, who is employed by that local board of education and assigned to the qualifying school, shall recuse himself or herself from any actions by the board directly related to that qualifying school.

(c) Selection Process. – A school shall be selected by the State Board as an innovative school beginning with the next school year if it meets the following criteria:

- (1) The school was on the ISD warning list in the previous school year.
- (2) The school remains a qualifying school in the current school year based on data from the previous school year.
- (3) The school is one of the lowest five schools that meet the criteria in both subdivision (1) and subdivision (2) of this subsection, as measured by school performance scores.

(c1) Voluntary Selection. – If fewer than five schools are selected pursuant to subsection (c) of this section in any given year, a local board of education, upon the recommendation of the ISD Superintendent, may request that the State Board of Education select a qualifying school under the control of that local board as an innovative school, provided that no more than five schools are selected that year in total.

(d) Public Notification. – The list of schools on the ISD qualifying, watch, and warning lists and selected innovative schools shall be made publically available on a Web site maintained by the ISD.

(e) Waivers for Innovative Schools. – The ISD Superintendent may request a waiver from the State Board of Education of State Board of Education rules, regulations, policies, and procedures, or the provisions of this Chapter for innovative schools; however, innovative schools shall be required to comply with, at a minimum, the statutory requirements for charter schools as provided in Article 14A of this Chapter. The goal for each waiver shall be improvement of student performance. All innovative schools shall comply with all applicable constitutional and statutory nondiscrimination requirements. Notwithstanding G.S. 115C-105.26, the State Board of Education may grant a requested waiver of State laws or rules for an innovative school pursuant to this subsection, except for a waiver of State laws or rules applicable to children with disabilities and any of the other requirements set forth in this subsection. (2016-110, s. 1; 2017-57, s. 7.26E(a), (f); 2018-145, s. 27(b); 2019-248, s. 1(a); repealed by 2021-180, s. 7.14(f), effective June 30, 2023.)