

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 969

Short Title: School Inter-Unit Enrollment.

(Public)

Sponsors: Representatives Reynolds and Allred.

Referred to: Education.

April 16, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW STUDENTS WHO ARE DOMICILED IN ONE LOCAL
3 SCHOOL ADMINISTRATIVE UNIT TO ATTEND PUBLIC SCHOOLS IN
4 ANOTHER LOCAL SCHOOL ADMINISTRATIVE UNIT FREE OF CHARGE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-366(d) reads as rewritten:

7 "(d) A student domiciled in one local school administrative unit may be assigned
8 ~~either with or without the payment of tuition to a public school in another local school~~
9 ~~administrative unit upon the terms and conditions agreed to in writing between the local boards~~
10 ~~of education involved and entered in the official records of the boards. The assignment shall be~~
11 ~~effective only for the current school year, but may be renewed annually in the discretion of the~~
12 ~~boards involved.~~ unit in accordance with G.S. 115C-366.3."

13 Section 2. Article 25 of Chapter 115C of the General Statutes is amended by
14 adding the following new section to read:

15 **"§ 115C-366.3. Interunit enrollment.**

16 (a) The following definitions apply in this section:

17 (1) 'Applicant' means a student who is domiciled in North Carolina and
18 who applies for assignment to a school or program in a local school
19 administrative unit in which the student is not domiciled.

1 (2) 'Board of county commissioners' means the board of county
2 commissioners of the county in which the applicant is domiciled.

3 (3) 'Receiving board' means the local board of education that accepts an
4 applicant.

5 (4) 'Sending board' means the local board of education of the local school
6 administrative unit in which the student is domiciled.

7 (b) Students under the age of 21 who are domiciliaries of the State may apply for
8 assignment to any school or program in any local school administrative unit. Every local
9 board of education shall adopt a policy to establish procedures to accept and reject
10 applications for assignment under this section. These procedures may include deadlines
11 for application. In deciding whether to assign an applicant to a particular school or
12 program, local boards are not required to do any of the following:

13 (1) Change the structure of a requested school or alter the arrangement or
14 function of rooms within a requested school.

15 (2) Establish and offer any program that currently is not offered in the local
16 school administrative unit.

17 (3) Change or waive any established eligibility criteria for participation in a
18 particular program. The criteria may include age requirements, course
19 prerequisites, and required levels of performance.

20 (4) Assign an applicant when there is a lack of space in a requested school
21 or program.

22 (5) Assign an applicant when the requested school lacks appropriate
23 programs for that student or is not structured or equipped with the
24 necessary facilities to meet the special needs of that student.

25 (6) Violate a desegregation order that is in effect.

26 (7) Assign an applicant who has been or is in the process of being expelled
27 or suspended from another local school administrative unit.

28 Except as provided in this subsection, the procedures may not consider an applicant's
29 previous academic achievement, athletic or other extracurricular ability, or disability.

30 (c) Sending boards shall not discourage or prohibit students from applying for
31 assignment in another local school administrative unit.

32 (d) Upon assignment of a student under this section, the receiving board shall
33 notify the sending board. The sending board shall transfer to the receiving board an
34 amount that is no greater than the sending board's local per pupil funding, so long as this
35 amount is no greater than the receiving board's local per pupil funding. If the receiving
36 board's local per pupil funding is greater than the sending board's local per pupil funding,
37 then the receiving board may require the student to pay tuition equal to the difference.
38 Notwithstanding this subsection, local boards may enter into agreements whereby no
39 local per pupil funding is transferred, so long as students are not required to pay tuition.

40 (e) Except as provided in this subsection, a receiving board that operates a school
41 bus transportation system shall offer transportation within its geographic borders to the
42 students it accepts for assignment under this section. The receiving board may assign
43 these students to specific buses and to specific pickup points within the unit's geographic

1 borders. Students are responsible for transportation to their assigned pickup points within
2 the unit's geographic borders. A receiving board that operates a school bus transportation
3 system is not required to provide transportation to any student it accepts for assignment if
4 that student lives within one and one-half miles of the school to which the student is
5 assigned.

6 (f) Notwithstanding any other provision of law and except as provided in this
7 subsection, the decisions of all local boards of education under this section are final. In
8 the event that a receiving board rejects an applicant, the applicant's parent or guardian
9 may file a petition for a contested case hearing under Article 3 of Chapter 150B of the
10 General Statutes. The scope of review shall be limited to whether there was a rational
11 basis for the rejection. Following any hearing under this subsection, the administrative
12 law judge shall make a decision that contains findings of fact and conclusions of law.
13 Notwithstanding the provisions of Chapter 150B of the General Statutes, the decision of
14 the administrative law judge becomes final, is binding on the parties, and is not subject to
15 further review under Article 4 of Chapter 150B of the General Statutes.

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

20 Section 3. G.S. 115C-366.1 reads as rewritten:

21 "**§ 115C-366.1. Local boards of education; tuition charges.**

22 (a) Local boards of education may charge tuition to the following persons:

23 (1) Persons of school age who are not domiciliaries of the State.

24 ~~(2) Persons of school age who are domiciliaries of the State but who do not~~
25 ~~reside within the school administrative unit or district.~~

26 (3) Persons of school age who reside on a military or naval reservation
27 located within the State and who are not domiciliaries of the State.
28 Provided, however, that no person of school age residing on a military
29 or naval reservation located within the State and who attends the public
30 schools within the State may be charged tuition if federal funds
31 designed to compensate for the impact on public schools of military
32 dependent persons of school age are funded by the federal government
33 at not less than fifty percent (50%) of the total per capita cost of
34 education in the State, exclusive of capital outlay and debt service, for
35 elementary or secondary pupils, as the case may be, of such school
36 administrative unit.

37 (4) Persons who are 21 years of age or older before the beginning of the
38 school year in which they wish to enroll.

39 (b) The tuition charge for a student shall not exceed the amount of per pupil local
40 funding.

41 (c) The tuition required in this section shall be determined by local boards of
42 education each August 1 prior to the beginning of a new school year."

43 Section 4. This act is effective when it becomes law.