

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1076  
Committee Substitute Favorable 5/11/05

Short Title: Alt. Learning Prog/Sch Proposals.

(Public)

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Sponsors:

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Referred to:

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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~~ standards for assigning students to alternative learning programs. These ~~guidelines-standards~~ 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.

The State Board of Education shall also adopt ~~guidelines-standards~~ standards to require that local school administrative units shall use (i) the

1 teachers allocated for students assigned to alternative learning  
2 programs pursuant to the regular teacher allotment and (ii) the teachers  
3 allocated for students assigned to alternative learning programs only to  
4 serve the needs of these students.

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

8 The State Board shall evaluate the effectiveness of alternative  
9 learning programs and, in its discretion, of any other programs funded  
10 from the Alternative Schools/At-Risk Student allotment. Local school  
11 administrative units shall report to the State Board of Education on  
12 how funds in the Alternative Schools/At-Risk Student allotment are  
13 spent and shall otherwise cooperate with the State Board of Education  
14 in evaluating the alternative learning programs. As part of its  
15 evaluation of the effectiveness of these programs, the State Board  
16 shall, through the application of the accountability system developed  
17 under G.S. 115C-105.35, measure the educational performance and  
18 growth of students placed in alternative schools and alternative  
19 programs. If appropriate, the Board may modify this system to adapt to  
20 the specific characteristics of these schools.

21 ...."

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

24 **"§ 115C-105.47A. Proposals to establish alternative learning programs or**  
25 **alternative schools.**

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

29 (1) The educational and behavioral goals for students assigned to the  
30 program or school.

31 (2) The policies and procedures for the operation of the program or school  
32 based on the State Board's standards adopted under G.S. 115C-12(24).  
33 The policies and procedures shall address the assignment of students to  
34 the program or school.

35 (3) Identified strategies that will be used to improve student achievement  
36 and behavior.

37 (4) A consideration of whether similar programs and schools in and out of  
38 the State have demonstrated success in improving the academic  
39 achievement and behavior of students assigned to them.

40 (5) The estimated cost of operating the program or school, including the  
41 cost of:

42 a. Staffing the program or school with teachers who have at least  
43 four years' teaching experience and who have received an

- 1                    overall rating of at least above standard on a formal evaluation  
 2                    and are certified in the areas and grade levels being taught;  
 3                    b.    Providing optimum learning environments, resources and  
 4                    materials, and high quality, ongoing professional development  
 5                    that will ensure students who are placed in the program or  
 6                    school are provided enhanced educational opportunities in order  
 7                    to achieve their full potential;  
 8                    c.    Providing support personnel, including school counselors,  
 9                    psychiatrists, clinical psychologists, social workers, nurses, and  
 10                    other professionals to help students and their families work out  
 11                    complex issues and problems;  
 12                    d.    Maintaining safe and orderly learning environments; and  
 13                    e.    Providing transitional supports for students exiting the program  
 14                    or school and reentering the referring school.  
 15                    (6)   Documented support of school personnel and the community for the  
 16                    implementation of the program or school.  
 17                    (b)   After the local board completes the proposal under subsection (a) of this  
 18                    section, the board shall submit the proposal to the State Board of Education for its  
 19                    review. The State Board shall review the proposal expeditiously and, if appropriate,  
 20                    may offer recommendations to modify the proposal. The local board shall consider any  
 21                    recommendations made by the State Board before implementing the alternative learning  
 22                    program or alternative school."

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

24                    "**§ 115C-47. Powers and duties generally.**

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

27                    ...

- 28                    (32a) To Establish Alternative Learning Programs and Develop Policies and  
 29                    Guidelines. – Each local board of education shall establish at least one  
 30                    alternative learning program and shall adopt guidelines for assigning  
 31                    students to alternative learning programs. These guidelines shall  
 32                    include (i) a description of the programs and services to be provided,  
 33                    (ii) a process for ensuring that an assignment is appropriate for the  
 34                    student and that the student's parents are involved in the decision, and  
 35                    (iii) strategies for providing alternative learning programs, when  
 36                    feasible and appropriate, for students who are subject to long term  
 37                    suspension or expulsion. In developing these guidelines, local boards  
 38                    shall consider the State Board's ~~policies and guidelines~~ standards  
 39                    developed under G.S. 115C-12(24). Upon adoption of policies and  
 40                    guidelines under this subdivision, local boards are encouraged to  
 41                    incorporate them in their safe school plans developed under  
 42                    G.S. 115C-105.47.

43                    The General Assembly urges local boards to adopt policies that  
 44                    prohibit superintendents from assigning to any alternative learning

1 program any professional public school employee who has received  
2 within the last three years a rating on a formal evaluation that is less  
3 than above standard.

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

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

21 ...."

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

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

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