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Short Title: Alt. Learning Prog/Sch Proposals.

(Public)

Sponsors:

Referred to:

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

1 The State Board of Education shall also adopt ~~guidelines~~ standards
2 to require that local school administrative units shall use (i) the
3 teachers allocated for students assigned to alternative learning
4 programs pursuant to the regular teacher allotment and (ii) the teachers
5 allocated for students assigned to alternative learning programs only to
6 serve the needs of these students.

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

10 The State Board shall evaluate the effectiveness of alternative
11 learning programs and, in its discretion, of any other programs funded
12 from the Alternative Schools/At-Risk Student allotment. Local school
13 administrative units shall report to the State Board of Education on
14 how funds in the Alternative Schools/At-Risk Student allotment are
15 spent and shall otherwise cooperate with the State Board of Education
16 in evaluating the alternative learning programs. As part of its
17 evaluation of the effectiveness of these programs, the State Board
18 shall, through the application of the accountability system developed
19 under G.S. 115C-105.35, measure the educational performance and
20 growth of students placed in alternative schools and alternative
21 programs. If appropriate, the Board may modify this system to adapt to
22 the specific characteristics of these schools. Also as part of its
23 evaluation, the State Board shall evaluate its standards adopted under
24 this subdivision and make any necessary changes to those standards
25 based on strategies that have been proven successful in improving
26 student achievement.

27 "

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

30 **"§ 115C-105.47A. Proposals to establish alternative learning programs or**
31 **alternative schools.**

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

- 35 (1) The educational and behavioral goals for students assigned to the
36 program or school.
37 (2) The policies and procedures for the operation of the program or school
38 based on the State Board's standards adopted under G.S. 115C-12(24).
39 The policies and procedures shall address the assignment of students to
40 the program or school.
41 (3) Identified strategies that will be used to improve student achievement
42 and behavior.

- 1 (4) Documentation that similar programs and schools in or out of the
2 State, or both, have demonstrated success in improving the academic
3 achievement and behavior of students assigned to them.
4 (5) The estimated actual cost of operating the program or school. To the
5 extent practicable, this shall include the cost of:
6 a. Staffing the program or school with teachers who have at least
7 four years' teaching experience and who have received an
8 overall rating of at least above standard on a formal evaluation
9 and are certified in the areas and grade levels being taught;
10 b. Providing optimum learning environments, resources and
11 materials, and high quality, ongoing professional development
12 that will ensure students who are placed in the program or
13 school are provided enhanced educational opportunities in order
14 to achieve their full potential;
15 c. Providing support personnel, including school counselors,
16 psychiatrists, clinical psychologists, social workers, nurses, and
17 other professionals to help students and their families work out
18 complex issues and problems;
19 d. Maintaining safe and orderly learning environments; and
20 e. Providing transitional supports for students exiting the program
21 or school and reentering the referring school.
22 (6) Documented support of school personnel and the community for the
23 implementation of the program or school.

24 (b) After the local board completes the proposal under subsection (a) of this
25 section, the board shall submit the proposal to the State Board of Education for its
26 review. The State Board shall review the proposal expeditiously and, if appropriate,
27 may offer recommendations to modify the proposal. The local board shall consider any
28 recommendations made by the State Board before implementing the alternative learning
29 program or alternative school."

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

31 "**§ 115C-47. Powers and duties generally.**

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

34 ...

35 (32a) To Establish Alternative Learning Programs and Develop Policies and
36 Guidelines. – Each local board of education shall establish at least one
37 alternative learning program and shall adopt guidelines for assigning
38 students to alternative learning programs. These guidelines shall
39 include (i) a description of the programs and services to be provided,
40 (ii) a process for ensuring that an assignment is appropriate for the
41 student and that the student's parents are involved in the decision, and
42 (iii) strategies for providing alternative learning programs, when
43 feasible and appropriate, for students who are subject to long term
44 suspension or expulsion. In developing these guidelines, local boards

1 shall consider the State Board's ~~policies and guidelines~~ standards
2 developed under G.S. 115C-12(24). Upon adoption of policies and
3 guidelines under this subdivision, local boards are encouraged to
4 incorporate them in their safe school plans developed under
5 G.S. 115C-105.47.

6 The General Assembly urges local boards to adopt policies that
7 prohibit superintendents from assigning to any alternative learning
8 program any professional public school employee who has received
9 within the last three years a rating on a formal evaluation that is less
10 than above standard.

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

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

28"

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

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

38 **SECTION 6.** The State Board of Education, after consulting with local
39 school administrative units, shall report to the Joint Legislative Education Oversight
40 Committee by April 15, 2006, on the implementation of this act. This report shall
41 include any recommended legislative changes necessary to encourage the
42 implementation of successful alternative learning programs and schools. The Joint
43 Education Legislative Oversight Committee shall consider this report and make any
44 recommended changes to the 2006 Regular Session of the 2005 General Assembly.

1 **SECTION 7.** This act is effective when it becomes law. Except as provided
2 in Section 4 of this act, this act applies to any new alternative learning program or
3 alternative school to be implemented beginning with the 2006-2007 school year.