

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1099  
House Committee Substitute Favorable 7/14/99

Short Title: Alternative Schools/Learning Programs.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE LAWS GOVERNING ALTERNATIVE SCHOOLS AND  
3 ALTERNATIVE LEARNING PROGRAMS SO AS TO IMPROVE THE QUALITY  
4 OF EDUCATIONAL SERVICES PROVIDED TO STUDENTS WHO ARE AT  
5 RISK OF ACADEMIC FAILURE AND TO INCREASE THE EDUCATIONAL  
6 EXPECTATIONS FOR THESE STUDENTS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-105.27 reads as rewritten:

9 **"§ 115C-105.27. Development and approval of school improvement plans.**

10 In order to improve student performance, each school shall develop a school  
11 improvement plan that takes into consideration the annual performance goal for that  
12 school that is set by the State Board under G.S. 115C-105.35. The principal of each  
13 school, representatives of the assistant principals, instructional personnel, instructional  
14 support personnel, and teacher assistants assigned to the school building, and parents of  
15 children enrolled in the school shall constitute a school improvement team to develop a  
16 school improvement plan to improve student performance. Unless the local board of  
17 education has adopted an election policy, parents shall be elected by parents of children  
18 enrolled in the school in an election conducted by the parent and teacher organization of  
19 the school or, if none exists, by the largest organization of parents formed for this

1 purpose. Parents serving on school improvement teams shall reflect the racial and  
2 socioeconomic composition of the students enrolled in that school and shall not be  
3 members of the building-level staff. Parental involvement is a critical component of  
4 school success and positive student achievement; therefore, it is the intent of the General  
5 Assembly that parents, along with teachers, have a substantial role in developing school  
6 improvement plans. To this end, school improvement team meetings shall be held at a  
7 convenient time to assure substantial parent participation. The strategies for improving  
8 student performance shall include a plan for the use of staff development funds that may  
9 be made available to the school by the local board of education to implement the school  
10 improvement plan and shall include a plan to address school safety and discipline  
11 concerns in accordance with the safe school plan developed under Article 8C of this  
12 Chapter. The strategies may include a decision to use State funds in accordance with G.S.  
13 115C-105.25. The strategies for improving student performance shall include a plan that  
14 specifies the effective instructional practices and methods to be used to improve the  
15 academic performance of students identified as at risk of academic failure or at risk of  
16 dropping out of school. The strategies may also include requests for waivers of State  
17 laws, rules, or policies for that school. A request for a waiver shall meet the requirements  
18 of G.S. 115C-105.26.

19 Support among affected staff members is essential to successful bimplementation of a  
20 school improvement plan to address improved student performance at that school. The  
21 principal of the school shall present the proposed school improvement plan to all of the  
22 principals, assistant principals, instructional personnel, instructional support personnel,  
23 and teacher assistants assigned to the school building for their review and vote. The vote  
24 shall be by secret ballot. The principal shall submit the school improvement plan to the  
25 local board of education only if the proposed school improvement plan has the approval  
26 of a majority of the staff who voted on the plan.

27 The local board of education shall accept or reject the school improvement plan. The  
28 local board shall not make any substantive changes in any school improvement plan that  
29 it accepts. If the local board rejects a school improvement plan, the local board shall state  
30 with specificity its reasons for rejecting the plan; the school improvement team may then  
31 prepare another plan, present it to the principals, assistant principals, instructional  
32 personnel, instructional support personnel, and teacher assistants assigned to the school  
33 building for a vote, and submit it to the local board to accept or reject. If no school  
34 improvement plan is accepted for a school within 60 days after its initial submission to  
35 the local board, the school or the local board may ask to use the process to resolve  
36 disagreements recommended in the guidelines developed by the State Board under G.S.  
37 115C-105.20(b)(5). If this request is made, both the school and local board shall  
38 participate in the process to resolve disagreements. If there is no request to use that  
39 process, then the local board may develop a school improvement plan for the school. The  
40 General Assembly urges the local board to utilize the school's proposed school  
41 improvement plan to the maximum extent possible when developing such a plan.

42 A school improvement plan shall remain in effect for no more than three years;  
43 however, the school improvement team may amend the plan as often as is necessary or

1 appropriate. If, at any time, any part of a school improvement plan becomes unlawful or  
2 the local board finds that a school improvement plan is impeding student performance at  
3 a school, the local board may vacate the relevant portion of the plan and may direct the  
4 school to revise that portion. The procedures set out in this subsection shall apply to  
5 amendments and revisions to school improvement plans."

6 Section 2. Article 8C of Chapter 115C of the General Statutes reads as  
7 rewritten:

8 **"ARTICLE 8C.**

9 **"LOCAL PLANS FOR ALTERNATIVE SCHOOLS/ALTERNATIVE**  
10 **LEARNING PROGRAMS AND MAINTAINING SAFE AND ORDERLY**  
11 **SCHOOLS.**

12 **"§ 115C-105.45. Legislative findings.**

13 The General Assembly finds that all schools should be safe, secure, and orderly. If  
14 students are to aim for academic excellence, it is imperative that there is a climate of  
15 respect in every school and that every school is free of disruption, drugs, violence, and  
16 weapons. All schools must have plans, policies, and procedures for dealing with  
17 disorderly and disruptive behavior.

18 All schools and school units must have effective measures for assisting students who  
19 are at risk of academic failure or of engaging in disruptive and disorderly behavior.

20 **"§ 115C-105.46. State Board of Education responsibilities.**

21 In order to implement this Article, the State Board of Education:

- 22 (1) Shall adopt guidelines for developing local plans under ~~G.S. 115C-~~  
23 ~~105.47;~~ G.S. 115C-105.47.
- 24 (2) Shall provide, in cooperation with the Board of Governors of The  
25 University of North Carolina, ongoing technical assistance to the local  
26 school administrative units in the development, implementation, and  
27 evaluation of their local plans under ~~G.S. 115C-105.57;~~ G.S. 115C-  
28 105.57.
- 29 (3) May require a local board of education to withhold the salary of any  
30 administrator or other employee of a local school administrative unit  
31 who delays or refuses to prepare and implement local safe school plans  
32 in accordance with ~~G.S. 115C-105.47;~~ and G.S. 115C-105.47.
- 33 (4) May revoke the certificate of the superintendent, pursuant to G.S. 115C-  
34 274(c), for failure to fulfill the superintendent's duties under a local safe  
35 school plan.
- 36 (5) Shall adopt policies that define who is an at-risk student.

37 **"§ 115C-105.47. Local safe school plans.**

38 (a) Each local board of education shall develop a local school administrative unit  
39 safe school plan designed to provide that every school in the local school administrative  
40 unit is safe, secure, and orderly, that there is a climate of respect in every school, and that  
41 appropriate personal conduct is a priority for all students and all public school personnel.  
42 The board shall include parents, the school community, representatives of the

1 community, and others in the development or review of this plan. The plan may be  
2 developed by or in conjunction with other committees.

3 (b) Each plan shall include each of the following components:

4 (1) Clear statements of the standard of behavior expected of students at  
5 different grade levels and of school personnel and clear statements of  
6 the consequences that will result from one or more violations of those  
7 standards. There shall be a statement of consequences for students under  
8 the age of 13 who physically assault and seriously injure a teacher or  
9 other individual on school property or at a school-sponsored or school-  
10 related activity. The consequences may include placement in an  
11 alternative setting.

12 (2) A clear statement of the responsibility of the superintendent for  
13 coordinating the adoption and the implementation of the plan,  
14 evaluating principals' performance regarding school safety, monitoring  
15 and evaluating the implementation of safety plans at the school level,  
16 and coordinating with local law enforcement and court officials  
17 appropriate aspects of implementation of the plan. The statement of  
18 responsibility shall provide appropriate disciplinary consequences that  
19 may occur if the superintendent fails to carry out these responsibilities.  
20 These consequences may include a reprimand in the superintendent's  
21 personnel file or withholding of the superintendent's salary, or both.

22 (3) A clear statement of the responsibility of the school principal for  
23 restoring, if necessary, and maintaining a safe, secure, and orderly  
24 school environment and of the consequences that may occur if the  
25 principal fails to meet that responsibility. The principal's duties shall  
26 include exhibiting appropriate leadership for school personnel and  
27 students, providing for alternative placements for students who are  
28 seriously disruptive, reporting all criminal acts under G.S. 115C-288(g),  
29 and providing appropriate disciplinary consequences for disruptive  
30 students. The consequences to the principal that may occur shall include  
31 a reprimand in the principal's personnel file and disciplinary  
32 proceedings under G.S. 115C-325.

33 (4) Clear statements of the roles of other administrators, teachers, and other  
34 school personnel in restoring, if necessary, and maintaining a safe,  
35 secure, and orderly school environment.

36 (5) Procedures for identifying and serving the needs of students who are at  
37 risk of academic failure or of engaging in disruptive or disorderly  
38 behavior.

39 (6) Mechanisms for assessing the needs of disruptive and disorderly  
40 ~~students, students and students who are at risk of academic failure,~~ and  
41 providing them with services to assist them in achieving academically  
42 and in modifying their behavior, and removing them from the classroom  
43 when necessary.

- 1 (7) Measurable objectives for improving school safety and order.
- 2 (8) Measures of the effectiveness of efforts to assist students at risk of  
3 academic failure or of engaging in disorderly or disruptive behavior.  
4 The measures shall include an analysis of the effectiveness of  
5 procedures adopted under G.S. 115C-105.48 for students referred to  
6 alternative schools and alternative learning programs.
- 7 (9) Professional development clearly matched to the goals and objectives of  
8 the plan.
- 9 (10) A plan to work effectively with local law enforcement officials and  
10 court officials to ensure that schools are safe and laws are enforced.
- 11 (11) A plan to provide access to information to the school community,  
12 parents, and representatives of the local community on the ongoing  
13 implementation of the local plan, monitoring of the local plan, and the  
14 integration of educational and other services for students into the total  
15 school program.
- 16 (12) The name and role description of the person responsible for  
17 implementation of the plan.
- 18 (13) Direction to school improvement teams within the local school  
19 administrative unit to consider the special conditions at their schools  
20 and to incorporate into their school improvement plans the appropriate  
21 components of the local plan ~~for~~ for:
- 22 a. maintaining safe and orderly ~~schools~~ schools; and
- 23 b. addressing the needs of students who are at risk of academic  
24 failure or who are disruptive or both.
- 25 (13a) A clear statement of the services that will be provided to students who  
26 are assigned to an alternative school or an alternative learning program.
- 27 (14) A clear and detailed statement of the planned use of federal, State, and  
28 local funds allocated for at-risk ~~students~~, students and alternative schools,  
29 ~~or both~~ schools and alternative learning programs.
- 30 (15) Any other information the local board considers necessary or  
31 appropriate to implement this Article.

32 A local board may develop its plan under this section by conducting a comprehensive  
33 review of its existing policies, plans, statements, and procedures to determine whether  
34 they: (i) are effective; (ii) have been updated to address recent changes in the law; (iii)  
35 meet the current needs of each school in the local school administrative unit; and (iv)  
36 address the components required to be included in the local plan. The board then may  
37 consolidate and supplement any previously developed policies, plans, statements, and  
38 procedures that the board determines are effective and updated, meet the current needs of  
39 each school, and meet the requirements of this subsection.

40 Once developed, the board shall submit the local plan to the State Board of Education  
41 and shall ensure the plan is available and accessible to parents and the school community.  
42 The board shall provide annually to the State Board information that demonstrates how

1 the At-Risk Student Services/Alternative Schools Funding allotment has been used to (i)  
2 prevent academic failure ~~or~~ and (ii) promote school safety.

3 (c) A local board may amend the plan as often as it considers necessary or  
4 appropriate.

5 **"§ 115C-105.48. Placement of students in alternative schools/alternative learning**  
6 **programs.**

7 (a) Prior to referring a student to an alternative school or an alternative learning  
8 program, the referring school shall:

9 (1) Document the procedures that were used to identify the student as being  
10 at risk of academic failure or as being disruptive or disorderly.

11 (2) Provide the reasons for referring the student to an alternative school or  
12 an alternative learning program.

13 (3) Provide to the alternative school or alternative learning program all  
14 relevant student records, including anecdotal information.

15 (b) When a student is placed in an alternative school or an alternative learning  
16 program, the appropriate staff of the alternative school or alternative learning program  
17 shall meet to review the records forwarded by the referring school and to determine what  
18 support services and intervention strategies are recommended for the student. The  
19 parents shall be encouraged to provide input regarding the students' needs."

20 Section 3. G.S. 115C-12(24), as amended by Section 8.25(d) of S.L. 1999-  
21 237, reads as rewritten:

22 **"§ 115C-12. Powers and duties of the Board generally.**

23 The general supervision and administration of the free public school system shall be  
24 vested in the State Board of Education. The State Board of Education shall establish  
25 policy for the system of free public schools, subject to laws enacted by the General  
26 Assembly. The powers and duties of the State Board of Education are defined as follows:

27 ...

28 (24) Duty to Develop Policies and Guidelines for Alternative Learning  
29 Programs, Provide Technical Assistance on Implementation of  
30 Programs, and Evaluate Programs. – The State Board of Education shall  
31 adopt guidelines for assigning students to alternative learning programs.  
32 These guidelines shall include (i) a description of the programs and  
33 services that are recommended to be provided in alternative learning  
34 programs and (ii) a process for ensuring that an assignment is  
35 appropriate for the student and that the student's parents are involved in  
36 the decision. The State Board also shall adopt policies that define what  
37 constitutes an alternative school and an alternative learning program.

38 The State Board of Education shall also adopt guidelines to require  
39 that local school administrative units shall use (i) the teachers allocated  
40 for students assigned to alternative learning programs pursuant to the  
41 regular teacher allotment and (ii) the teachers allocated for students  
42 assigned to alternative learning programs only to serve the needs of  
43 these students.

1           The State Board of Education shall provide technical support to local  
2 school administrative units to assist them in developing and  
3 implementing plans for alternative learning programs.

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

17           Section 4. G.S. 115C-47(32a) is amended by adding the following at the end:

18           "Local boards shall assess on a regular basis whether the unit's alternative schools and  
19 alternative learning programs incorporate best practices for improving student academic  
20 performance and reducing disruptive behavior, are staffed with professional public school  
21 employees who are well trained and provided with appropriate staff development, are  
22 organized to provide coordinated services, and provide students with high quality and  
23 rigorous academic instruction."

24           Section 5.(a) During the 1999-2000 school year, school improvement teams  
25 shall review and revise their school improvement plans to incorporate the provisions of  
26 Section 1 of this act.

27           Section 5.(b) Local boards of education shall review and revise their existing  
28 safe school plans to incorporate the provisions of Section 2 of this act. Local boards shall  
29 submit their revised plans to the State Board of Education by January 1, 2000. The State  
30 Board shall review the plans and may make recommendations regarding their  
31 implementation. Local boards of education are encouraged to consider these  
32 recommendations prior to implementing their revised safe school plans.

33           Section 6. G.S. 115C-105.48, as created in Section 2 of this act, becomes  
34 effective January 1, 2000. The remainder of this act is effective when it becomes law.