

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 149
Committee Substitute Favorable 3/7/23
Senate Education/Higher Education Committee Substitute Adopted 4/4/23

Short Title: Remote & Virtual Charter/CC Pres Confirmation.

(Public)

Sponsors:

Referred to:

February 21, 2023

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR REMOTE CHARTER ACADEMIES, TO PROVIDE A
ONE-YEAR EXTENSION OF THE VIRTUAL CHARTER SCHOOL PILOT PROGRAM,
AND TO REQUIRE THE PRESIDENT OF THE COMMUNITY COLLEGE SYSTEM TO
BE CONFIRMED BY THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

PART I. REMOTE CHARTER ACADEMIES

SECTION 1.(a) Article 14A of Chapter 115C of the General Statutes is amended by
adding a new Part to read:

"Part 7. Remote Charter Academies.

"§ 115C-218.120. Remote charter academies.

(a) As part of an application or modification of a charter, a nonprofit may apply to the
State Board of Education for approval to include a remote charter academy that meets the
requirements of this Part as part of the nonprofit's charter. A charter that includes a remote charter
academy may do any of the following:

- (1) Provide only remote instruction to enrolled students served by the charter in
accordance with this Part.
- (2) Provide remote instruction to students enrolled in the remote charter academy
and provide in-person instruction to other students served by the charter.
- (3) Provide enrolled students both remote instruction and in-person instruction. A
student who receives more than half of the student's instruction through
remote instruction shall be classified as enrolled in the charter's remote charter
academy.

(b) As part of the application or modification of a charter, the nonprofit shall designate
which of the following enrollment areas the remote charter academy will use to enroll students:

- (1) A statewide remote charter academy that admits students in accordance with
G.S. 115C-218.45.
- (2) A regional remote charter academy that, notwithstanding
G.S. 115C-218.45(a), admits students only from the county in which the
charter school facility is located and the counties of the State geographically
contiguous to that county.

(c) A remote charter academy provides instruction primarily online through a
combination of synchronous and asynchronous instruction delivered to students in a remote



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location outside of the charter school facility. A remote charter academy may include any combination of grade levels.

(d) Notwithstanding G.S. 115C-84.3, an approved remote charter academy may satisfy the minimum required number of instructional days or hours for the school calendar through remote instruction.

"§ 115C-218.121. Remote charter academy enrollment.

(a) A student shall not be assigned to attend a remote charter academy without parental consent. A board of directors shall require an application to secure parental consent prior to enrollment of a student in a remote charter academy.

(b) A remote charter academy shall identify characteristics for successful remote learning and establish criteria for admittance to a remote charter academy and shall make that information available to parents.

(c) A student may not be denied admission to the remote charter academy solely on the basis that the student is a child with a disability. If a student is admitted to a remote charter academy, that student's IEP team, as defined in G.S. 115C-106.3, or section 504 team, 29 U.S.C. § 794, must plan for a successful student entry and accommodations necessary to provide for a free appropriate public education in the remote charter academy.

(d) A charter that provides in-person instruction may reassign a student to in-person instruction during the school year if the board of directors determines that in-person instruction would better ensure academic success for that student. The board of directors may delegate this authority to the chief administrator.

"§ 115C-218.122. Remote charter academy requirements.

(a) Except as provided in this Part, a remote charter academy shall meet the same requirements as for other charter schools established by this Article.

(b) A remote charter academy shall provide all of the following to enrolled students:

(1) Any hardware and software needed to participate in the remote charter academy. Students may not be charged rental fees but may be charged damage fees for abuse or loss of hardware or software under rules adopted by the State Board of Education.

(2) Access to a learning management platform that enables monitoring of student performance and school-owned devices, as well as allows video conferencing and supervised text-based chat for synchronous communication.

(3) Access to the internet that is available during instructional hours, evenings, and weekends.

(4) Technical support that is available during instructional hours.

(5) For children with an individualized education program (IEP), as defined in G.S. 115C-106.3, or a section 504 plan, 29 U.S.C. § 794, adaptive or assistive devices, transportation, and in-person services as required by that program or plan.

(c) A remote charter academy may require students to attend in person to fulfill State-mandated student assessments. A remote charter academy may conduct optional in-person meetings between students and instructors or parents and instructors at a charter school facility.

(d) The employees of a remote charter academy shall meet the same licensure and evaluation requirements as required by G.S. 115C-218.90. The remote charter academy shall ensure sufficient digital teaching and learning support staff, including, at a minimum, the following:

(1) An instructional technology facilitator.

(2) A school library media coordinator.

(3) A data manager.

(4) Sufficient remote technicians to ensure technical support throughout the instructional day for staff and students.

"§ 115C-218.123. Remote charter academy approval process.

(a) A nonprofit seeking to provide a remote charter academy shall submit to the State Board of Education as part of the application for approval or modification of a charter a plan that provides for the following:

- (1) Whether the enrollment area of the remote charter academy will be statewide or regional.
- (2) The range of grades for which the remote charter academy will offer courses.
- (3) The method by which the remote charter academy will monitor calendar compliance, enrollment, daily attendance, course credit accrual, progress toward graduation, and course completion.
- (4) Hardware, software, and learning management platforms that support online learning.
- (5) The measures used to ensure that both synchronous and asynchronous remote instruction time, practice, and application components support learning growth that continues toward mastery of student achievement goals for the charter's educational program.
- (6) The professional development that will be provided to those teaching in the remote charter academy related to the pedagogy of providing remote instruction.
- (7) The identified characteristics for successful remote learning and criteria for admission to the remote charter academy. The board of directors shall identify the means by which information will be communicated to the parents and legal guardians of prospective applicants and current enrollees about the remote charter academy and those characteristics and criteria to allow for informed decisions about enrollment.
- (8) Any school nutrition services or transportation services that will be provided to students.

(b) The State Board of Education shall review and approve a charter or charter modification for the creation of a remote charter academy that meets the requirements established in this Part for a term of five years. The State Board of Education shall approve a minimum of two statewide remote charter academies that meet the qualifications of this Part for operation beginning with the 2026-2027 school year and thereafter.

"§ 115C-218.124. Operation and renewal of remote charter academies.

(a) Each approved remote charter academy shall adhere to the plan submitted to and approved by the State Board of Education as part of the approved charter unless the board of trustees obtains a charter modification.

(b) Each approved remote charter academy shall receive a school code. A nonprofit that has a school code for in-person instruction in addition to a school code for a remote charter academy may provide all financial reporting for both school codes jointly in a form directed by the Department of Public Instruction.

(c) A nonprofit may apply for renewal of the remote charter academy for additional terms of five years. The State Board shall consider compliance with the requirements of this Part and success of the remote charter academy in the prior five years in determining whether to approve a request for renewal of a remote charter academy.

"§ 115C-218.125. Evaluation.

The State Board of Education shall evaluate the success of remote charter academies approved under this Part. Success shall be measured by school performance scores and grades, retention rates, attendance rates, and, for grades nine through 12, high school completion and dropout rates. The Board shall report by November 15 of each year to the Joint Legislative Education Oversight Committee on the evaluation of these academies and on any recommended statutory changes."

1 **SECTION 1.(b)** G.S. 115C-84.3(c) reads as rewritten:

2 "(c) Except as provided in Part 7 of Article 14A or Part 3A of Article 16 of this Chapter
3 or subsection (b) of this section, a public school unit shall not use remote instruction to satisfy
4 the minimum required number of instructional days or hours for the school calendar."

5 **SECTION 1.(c)** G.S. 115C-218, 115C-218.1, 115C-218.2, 115C-218.3,
6 115C-218.5, 115C-218.6, 115C-218.7, and 115C-218.8 are codified into Part 1 of Article 14A of
7 Chapter 115C of the General Statutes, Governance and Applications for Charter Schools.
8 G.S. 115C-218.10, 115C-218.15, 115C-218.20, 115C-218.25, 115C-218.30, 115C-218.35,
9 115C-218.37, 115C-218.40, 115C-218.42, 115C-218.45, 115C-218.50, 115C-218.55,
10 115C-218.60, 115C-218.65, 115C-218.70, 115C-218.75, 115C-218.80, 115C-218.85, and
11 115C-218.90 are codified into Part 2 of Article 14A of Chapter 115C of the General Statutes,
12 Operation of Charter Schools. G.S. 115C-218.94, 115C-218.95, and 115C-218.100 are codified
13 into Part 3 of Article 14A of Chapter 115C of the General Statutes, Evaluation of Charter Schools.
14 G.S. 115C-218.105 is codified into Part 4 of Article 14A of Chapter 115C of the General Statutes,
15 Funding of Charter Schools. G.S. 115C-218.110 is codified into Part 5 of Article 14A of Chapter
16 115C of the General Statutes, Reporting on Charter Schools. G.S. 115C-218.115 is codified into
17 Part 6 of Article 14A of Chapter 115C of the General Statutes, Charter Schools Pre-K Programs.

18 **SECTION 1.(d)** This section applies to applications for new charters and charter
19 modifications beginning with the 2023-2024 school year.
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21 **PART II. VIRTUAL CHARTER SCHOOL PILOT EXTENSION**

22 **SECTION 2.(a)** Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L.
23 2016-94, Section 7.13 of S.L. 2018-5, and Section 7.13 of S.L. 2022-74, reads as rewritten:

24 **"SECTION 8.35.(a)** Notwithstanding G.S. 115C-218.5 or any other provision of law to the
25 contrary, the State Board of Education shall establish a pilot program to authorize the operation
26 of two virtual charter schools serving students in kindergarten through twelfth grade. The State
27 Board shall establish an application process to allow student enrollment in the selected virtual
28 charter schools beginning with the 2015-2016 school year. A virtual charter school participating
29 in the pilot may serve any grade span of students in kindergarten through twelfth grade. The pilot
30 program shall continue for a period of ~~40~~11 school years and shall end with the ~~2024-2025~~
31 2025-2026 school year.

32 **"SECTION 8.35.(b)** The virtual charter schools participating in the pilot program authorized
33 by this section shall be subject to the statutes and rules applicable to charter schools pursuant to
34 Article 14A of Chapter 115C of the General Statutes, except as follows:

35 (1) The maximum student enrollment in any participating school ~~shall be no~~
36 ~~greater than 1,500 in its first year of operation and may increase by twenty~~
37 ~~percent (20%) for each participating school up to a maximum student~~
38 ~~enrollment of 2,592 in the fourth year of the pilot. The State Board of~~
39 ~~Education may waive this maximum student enrollment threshold, beginning~~
40 ~~in the fourth year of the school's operation, if the State Board determines that~~
41 ~~doing so would be in the best interest of North Carolina students.~~for the
42 2023-2024 school year shall be the authorized student enrollment for that
43 participating school for the 2021-2022 school year plus enrollment growth of
44 up to twenty percent (20%) of that enrollment. For the remaining years of the
45 pilot, the participating schools may increase enrollment in accordance with
46 G.S. 115C-218.7(b).

47 "

48 **SECTION 2.(b)** A virtual charter school that participated in the pilot program
49 authorized by Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L. 2016-94,
50 Section 7.13 of S.L. 2018-5, Section 7.13 of S.L. 2022-74, and this section, shall be eligible to

1 apply to the State Board of Education for a charter renewal as a remote charter academy as
2 provided in Article 14A of Chapter 115C of the General Statutes.

3 **SECTION 2.(c)** This section applies beginning with the 2023-2024 school year.
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5 **PART III. CONFIRMATION OF THE PRESIDENT OF THE COMMUNITY COLLEGE**
6 **SYSTEM**

7 **SECTION 3.(a)** G.S. 115D-3 reads as rewritten:

8 "**§ 115D-3. President; Community Colleges System Office; staff; reorganization**
9 **authority.Office.**

10 (a) The Community Colleges System Office shall be a principal administrative
11 department of State government under the direction of the State Board of Community Colleges,
12 and shall be separate from the free public school system of the State, the State Board of
13 Education, and the Department of Public Instruction. The State Board has authority to adopt and
14 administer all policies, regulations, and standards which it deems necessary for the operation of
15 the System Office.

16 (a1) The Subject to confirmation by the General Assembly in accordance with
17 G.S. 115D-3.1, the State Board shall elect a President of the North Carolina System of
18 Community Colleges System who shall serve as chief administrative officer of the Community
19 Colleges System Office. The State Board shall use the following process to elect a President:

20 (1) At least three final candidates shall be submitted to the full State Board from
21 which the full State Board shall make its election.

22 (2) The State Board shall conduct a vote on the election of the President and the
23 candidate who receives a majority of votes of the entire State Board shall be
24 elected President.

25 (a2) The compensation of ~~this position~~ the President shall be fixed by the State Board from
26 funds provided by the General Assembly in the Current Operations Appropriations Act.

27 (a3) The President shall be assisted by such professional staff members as may be deemed
28 necessary to carry out the provisions of this Chapter, who shall be elected by the State Board on
29 nomination of the President. The compensation of the staff members elected by the Board shall
30 be fixed by the State Board of Community Colleges, upon recommendation of the President of
31 the Community College System, from funds provided in the Current Operations Appropriations
32 Act. These staff members shall include such officers as may be deemed desirable by the President
33 and State Board. Provision shall be made for persons of high competence and strong professional
34 experience in such areas as academic affairs, public service programs, business and financial
35 affairs, institutional studies and long-range planning, student affairs, research, legal affairs,
36 health affairs and institutional development, and for State and federal programs administered by
37 the State Board. In addition, the President shall be assisted by such other employees as may be
38 needed to carry out the provisions of this Chapter, who shall be subject to the provisions of
39 Chapter 126 of the General Statutes. The staff complement shall be established by the State Board
40 on recommendation of the President to insure that there are persons on the staff who have the
41 professional competence and experience to carry out the duties assigned and to insure that there
42 are persons on the staff who are familiar with the problems and capabilities of all of the principal
43 types of institutions represented in the system. ~~The State Board of Community Colleges shall~~
44 ~~have all other powers, duties, and responsibilities delegated to the State Board of Education~~
45 ~~affecting the Community Colleges System Office not otherwise stated in this Chapter.~~

46"

47 **SECTION 3.(b)** Article 1 of Chapter 115D of the General Statutes is amended by
48 adding a new section to read:

49 "**§ 115D-3.1. General Assembly confirmation of the President.**

50 (a) The State Board shall submit the name of the person elected as President for
51 confirmation to the presiding officers of the Senate and the House of Representatives of the

General Assembly on or before the fifteenth day following the election. The General Assembly shall adopt a joint resolution to either (i) confirm or (ii) deny confirmation, subject to the following:

(1) The person elected by the State Board shall not serve as President but may serve as interim-President until the General Assembly adopts a joint resolution.

(2) If the General Assembly fails to adopt a joint resolution confirming the person by the date that either chamber reaches the thirtieth legislative day following the receipt of the name by the presiding officers, it shall be deemed that the General Assembly has denied confirmation.

(b) A person denied confirmation shall not serve as President or interim-President."

PART IV. EFFECTIVE DATE

SECTION 4. This act is effective when it becomes law.