

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 522
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Proposed Conference Committee Substitute S522-PCCS35352-BE-2

Short Title: Low-Perf. Schools/Adv. Teaching Roles.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

1 AN ACT TO ALIGN THE SELECTION OF INNOVATIVE SCHOOLS WITH THOSE
2 IDENTIFIED BY THE STATE BOARD OF EDUCATION FOR COMPREHENSIVE
3 SUPPORT AND IMPROVEMENT, TO EXPAND OPTIONS FOR THE INNOVATIVE
4 SCHOOL DISTRICT, TO REQUIRE LOCAL BOARDS OF EDUCATION TO INFORM
5 BOARDS OF COUNTY COMMISSIONERS OF ACADEMIC PROGRESS, TO REQUIRE
6 FURTHER STUDY OF REFORMS FOR ASSISTANCE TO LOW-PERFORMING
7 SCHOOLS, TO ELIMINATE THE CAP ON LOCAL BOARDS OF EDUCATION THAT
8 CAN PARTICIPATE IN THE ADVANCED TEACHING ROLES PILOT PROGRAM,
9 AND TO EXEMPT ADVANCED TEACHING ROLES SCHOOLS FROM CLASS SIZE
10 REQUIREMENTS.
11

12 The General Assembly of North Carolina enacts:

13
14 **PART I. INNOVATIVE SCHOOL DISTRICT**

15 **SECTION 1.(a)** Article 7A of Chapter 115C of the General Statutes reads as
16 rewritten:

17 "Article 7A.

18 "North Carolina Innovative School District and Innovation Zones.

19 **"§ 115C-75.5. Definitions.**

20 The following definitions apply in this Article:

- 21 (1) Innovative school. – A qualifying school selected by the State Board of
22 Education under the supervision of the North Carolina Innovative School
23 District.
24 (2) Reserved.
25 (3) Innovative school operator or IS operator. – An entity selected by the State
26 Board of Education upon the recommendation of the ISD Superintendent to
27 operate an innovative school. ~~Except as otherwise provided in this Article, the~~
28 ~~Department of Public Instruction may not be selected as an IS operator.~~
29 (4) ISD Superintendent. – The superintendent of the ISD appointed by the
30 Superintendent of Public Instruction in accordance with G.S. 115C-75.6.



* S 5 2 2 - P C C S 3 5 3 5 2 - B E - 2 *

- 1 (4a) North Carolina Innovative School District or ISD. – The statewide school unit
2 established pursuant to this Article.
- 3 (5) Qualifying school. – ~~A low performing school, as defined in~~
4 ~~G.S. 115C-105.37, that meets one of the following criteria:~~
- 5 a. ~~The school earned an overall school performance score in the lowest~~
6 ~~five percent (5%) of all schools in the prior school year that meet all~~
7 ~~of the following requirements:~~
- 8 1. ~~The school includes all or part of grades kindergarten through~~
9 ~~fifth.~~
- 10 2. ~~The school did not exceed growth in at least one of the prior~~
11 ~~three school years and did not meet growth in at least one of~~
12 ~~the prior three school years.~~
- 13 3. ~~One of the models established in G.S. 115C-105.37B for~~
14 ~~continually low performing schools had not been adopted for~~
15 ~~that school for the immediately prior school year.~~
- 16 b. ~~The school received a school performance score in the lowest ten~~
17 ~~percent (10%) of all schools that include all or part of grades~~
18 ~~kindergarten through fifth in the prior school year and has been~~
19 ~~designated by the local board of education for consideration by the~~
20 ~~State Board of Education as an innovative school.~~ A school with a
21 school performance score in the lowest-performing five percent (5%)
22 of all schools meeting the following criteria:
- 23 a. Receives funds under Part A of Title I of the Elementary and
24 Secondary Education Act of 1965, as amended.
- 25 b. Is governed by a local board of education subject to this Article.
- 26 c. Is not one of the following types of schools:
- 27 1. An alternative school.
- 28 2. A cooperative innovative high school.
- 29 3. A school that was in its first or second year of operation in the
30 previous school year.
- 31 4. A newcomers school. For the purposes of this subdivision, a
32 newcomers school is a school in which at least ninety percent
33 (90%) of its students are enrolled for no more than one year on
34 the basis of their status as recently arrived English language
35 learners.

36 ...

37 **"§ 115C-75.7. Selection of innovative schools.**

38 (a) State Board Selection. – ~~The State Board of Education is authorized to select, upon~~
39 ~~the recommendation of the ISD Superintendent, no more than five qualifying elementary schools~~
40 ~~to transfer to the ISD as innovative schools. The five qualifying schools selected for inclusion in~~
41 ~~the ISD should represent geographic diversity, including urban and rural schools. The State~~
42 ~~Board of Education shall select no more than one qualifying school per local school~~
43 ~~administrative unit, unless the local board of education consents.~~ shall only select schools for
44 transfer to the ISD in accordance with this section.

45 (b) ~~Selection-Evaluation Process.~~ – The selection of qualifying innovative schools shall
46 be based on an analysis and evaluation of performance ~~over the most recent of qualifying schools~~
47 over a three-year period. ~~Prior to recommendation of selection of a qualifying school, the ISD~~
48 ~~Superintendent shall conduct an evaluation of the school to determine the factors contributing to~~
49 ~~the school's performance and shall confer with the school principal, local board of education~~
50 ~~members, the local school superintendent, and the local board of county commissioners to share~~
51 ~~the findings of the evaluation. The school selection process shall also include a public hearing to~~

1 allow for parent and community input. The ISD Superintendent shall evaluate and identify the
2 qualifying schools to recommend for selection as prospective innovative schools no later than
3 October 15 prior to the initial school year in which the school may operate as an innovative
4 school and shall notify the local boards of education where prospective innovative schools are
5 located by that date. The State Board of Education shall select the prospective innovative schools
6 no later than December 15. period as follows:

7 (1) Qualifying list. – In the first school year in which a school has been identified
8 as a qualifying school based on data from the previous school year, the school
9 shall be placed on the ISD qualifying list. By November 15, the ISD
10 Superintendent shall notify the superintendent and local board of education of
11 that school's status and provide that school's performance data, considerations
12 for improvement, and any additional information deemed necessary by the
13 ISD Superintendent. The local board of education shall notify parents of
14 students enrolled in the qualifying school by electronic mail or the parents'
15 preferred method of written communication of (i) the school's status, (ii)
16 potential impacts of the designation, including becoming an innovative
17 school, (iii) plans for improvement of the school, and (iv) any additional
18 information deemed necessary by the local board of education.

19 (2) Watch list. – If a school that was on the qualifying list in the prior school year
20 remains a qualifying school in the next school year, the school shall be placed
21 on the ISD watch list. By November 15, the ISD Superintendent shall notify
22 the superintendent and local board of education of that school's status and
23 provide that school's performance data, considerations for improvement, and
24 any additional information deemed necessary by the ISD Superintendent. The
25 local board of education shall notify parents of students enrolled in the
26 qualifying school by electronic mail or the parents' preferred method of
27 written communication of (i) the school's status, (ii) potential impacts of the
28 designation, including becoming an innovative school, (iii) plans for
29 improvement of the school, and (iv) any additional information deemed
30 necessary by the local board of education.

31 (3) Warning list. – If a school that was on the watch list in the prior school year
32 remains a qualifying school in the next school year, the school shall be placed
33 on the ISD warning list. A school shall remain on the ISD warning list until it
34 is either (i) no longer a qualifying school or (ii) is transferred to the ISD. By
35 November 15, the ISD Superintendent shall notify the superintendent and
36 local board of education of that school's status and provide that school's
37 performance data, considerations for improvement, and any additional
38 information deemed necessary by the ISD Superintendent. The local board of
39 education shall do the following:

40 a. For any qualifying school that is in its first year on the warning list,
41 the local board of education shall hold a public hearing with a
42 minimum of 10 days' notice that meets the following requirements:

43 1. The local board of education shall provide direct notice of the
44 public hearing to parents of students, employees assigned to
45 that school, and the ISD Superintendent.

46 2. At the public hearing, the local board of education shall share
47 potential impacts of the designation, including becoming an
48 innovative school, plans for improvement of the school, and
49 any additional information deemed necessary by the ISD
50 Superintendent.

1 3. The ISD Superintendent shall be provided the opportunity to
2 present at the public hearing, including information about (i)
3 the ISD selection process, (ii) potential impacts of the
4 designation as an innovative school, (iii) potential resources,
5 strategies, and partners for comprehensive support and
6 improvement that can assist in plans for improvement of the
7 school, and (iv) any additional information deemed necessary
8 by the ISD Superintendent.

9 b. For any qualifying school that was on the warning list during the
10 previous school year, the local board of education shall notify parents
11 of students enrolled in the qualifying school by electronic mail or the
12 parents' preferred method of written communication of (i) the school's
13 status, (ii) potential impacts of the designation, including becoming an
14 innovative school, (iii) plans for improvement of the school, and (iv)
15 any additional information deemed necessary by the local board of
16 education.

17 c. Present information at a regularly scheduled public meeting of the
18 board of commissioners of the county in which the local school
19 administrative unit is located on the school's performance while on an
20 ISD list and efforts by the local board of education to improve the
21 school's performance. The board of commissioners shall provide an
22 opportunity for the presentation and shall notify the board of education
23 of the public meeting at which the presentation shall occur. The local
24 board of education shall provide notice of the date and time of the
25 public meeting at which the presentation will occur to the ISD
26 Superintendent 10 days prior to the meeting and provide the
27 opportunity to the Superintendent to present as part of the presentation
28 at the public meeting.

29 **(b1) Support Process.** – The State Board of Education shall ensure that qualifying schools
30 identified for any ISD list are engaged in strategies in compliance with federal and State law for
31 comprehensive support and improvement. The State Board of Education may establish criteria
32 for the selection of independent turnaround school consultants in a pay-for-performance model
33 to provide direct support for qualifying schools. The ISD Superintendent shall monitor those
34 schools and assist local boards of education in identifying funding, strategies, and partners for
35 comprehensive support and improvement efforts.

36 **(b2) Local Board of Education Action.** – Local boards of education shall identify and
37 engage in strategies in compliance with federal and State law for comprehensive support and
38 improvement of qualifying schools. A local board of education member with an immediate
39 family member, as defined in G.S. 115C-12.2, who is employed by that local board of education
40 and assigned to the qualifying school, shall recuse himself or herself from any actions by the
41 board directly related to that qualifying school.

42 **(c) Local Board Response.** — Upon notification by the ISD Superintendent of selection
43 by the State Board of Education of the qualifying school as a prospective innovative school, the
44 local board of education shall determine whether to (i) close the selected qualifying school or (ii)
45 transfer the school into the ISD. The local board shall not be required to undertake the study
46 required by G.S. 115C-72 before closing the school. Before the adoption of a resolution, the local
47 board of education shall provide for a public hearing in regard to the proposed transfer or closure,
48 at which hearing the public shall be afforded an opportunity to express their views. No later than
49 February 1, the local board of education shall adopt a resolution either (i) consenting to transfer
50 of the selected qualifying school to the ISD as an innovative school or (ii) closing that school at
51 the conclusion of that school year. The State Board of Education may delay the transfer of a

1 ~~selected school to the ISD for one year only upon the recommendation of the ISD~~
2 ~~Superintendent.~~ Selection Process. – A school shall be selected by the State Board as an
3 innovative school beginning with the next school year if it meets the following criteria:

- 4 (1) The school was on the ISD warning list in the previous school year.
- 5 (2) The school remains a qualifying school in the current school year based on
6 data from the previous school year.
- 7 (3) The school is one of the lowest five schools that meet the criteria in both
8 subdivision (1) and subdivision (2) of this subsection, as measured by school
9 performance scores.

10 (c1) Voluntary Selection. – If fewer than five schools are selected pursuant to subsection
11 (c) of this section in any given year, a local board of education, upon the recommendation of the
12 ISD Superintendent, may request that the State Board of Education select a qualifying school
13 under the control of that local board as an innovative school, provided that no more than five
14 schools are selected that year in total.

15 (d) Public Notification. – The list of ~~qualifying schools on the ISD qualifying, watch, and~~
16 warning lists and selected innovative schools shall be made publically available on a Web site
17 maintained by the ISD.

18 (e) Waivers for Innovative Schools. – The ISD Superintendent may request a waiver from
19 the State Board of Education of State Board of Education rules, regulations, policies, and
20 procedures, or the provisions of this Chapter for innovative schools; however, innovative schools
21 shall be required to comply with, at a minimum, the statutory requirements for charter schools as
22 provided in Article 14A of this Chapter. The goal for each waiver shall be improvement of
23 student performance. All innovative schools shall comply with all applicable constitutional and
24 statutory nondiscrimination requirements. Notwithstanding G.S. 115C-105.26, the State Board
25 of Education may grant a requested waiver of State laws or rules for an innovative school
26 pursuant to this subsection, except for a waiver of State laws or rules applicable to children with
27 disabilities and any of the other requirements set forth in this subsection.

28 **"§ 115C-75.8. Selection of IS operators.**

29 (a) The State Board of Education may select an IS operator for a ~~prospective-selected~~
30 innovative school by ~~January-December~~ 15 and shall select an IS operator for a ~~prospective~~
31 selected innovative school no later than ~~February-January~~ 15.

32 (b) Upon the recommendation of the ISD Superintendent, the State Board of Education
33 shall only select an entity to contract as an IS operator if that entity demonstrates one of the
34 following:

- 35 (1) The entity has a record of results in improving performance of ~~persistently~~
36 low-performing schools or improving performance of a substantial number of
37 ~~persistently~~-low-performing students within a school or schools operated by
38 the entity in this State or other states.
- 39 (2) The entity has a credible and specific plan for dramatically improving student
40 achievement in a low-performing school and provides evidence that the entity,
41 or a contractual affiliate of such an entity, is either currently operating a school
42 or schools in this State that provide students a sound, basic education or
43 demonstrating consistent and substantial growth toward providing students a
44 sound, basic education in the prior three school years.

45 (b1) In the event that no entity demonstrates the qualifications required by subsection (b)
46 of this section, the ISD is authorized to act as an IS operator for one academic year and the State
47 Board shall select an entity in accordance with subsection (b) of this section to assume
48 management beginning with the next academic year. If the State Board has not been able to select
49 an entity demonstrating the required qualifications by the third year of management of the school
50 by the ISD, the ISD shall remain the operator of the school until the end of the fifth year and shall
51 develop a transition plan to return the school to the local school administrative unit.

1 (c) The selected IS operator is encouraged to hold public informational sessions and other
2 outreach to the community, ~~prospective-selected~~ innovative school, and local board of education
3 of a ~~prospective-selected~~ innovative school ~~prior to a local board's adoption of the resolution~~
4 ~~required by G.S. 115C-75.7(e)~~. school.

5 (d) The contract between the State Board of Education and IS operator shall require, as a
6 minimum, that the IS operator meet the same requirements as established for charter schools in
7 the following statutes:

8 (1) G.S. 115C-218.20 (Civil liability and insurance requirements).

9 (2) G.S. 115C-218.25 (Open meetings and public records).

10 (3) G.S. 115C-218.30 (Accountability; reporting requirements to State Board of
11 Education).

12 (4) G.S. 115C-218.50 (Charter school nonsectarian).

13 (5) G.S. 115C-218.55 (Nondiscrimination in charter schools).

14 (6) G.S. 115C-218.60 (Student discipline).

15 (7) G.S. 115C-218.65 (North Carolina School Report Cards).

16 (8) G.S. 115C-218.75 (General operating requirements).

17 (9) G.S. 115C-218.85 (Course of study requirements).

18 **"§ 115C-75.9. Management of innovative schools.**

19 (a) Direct Management by IS Operator. – An innovative school shall be subject to direct
20 management by an IS operator selected by the State Board of Education, upon the
21 recommendation of the ISD Superintendent, for a five-year contract. ~~In the event that temporary~~
22 ~~management is necessary due to contract termination, lack of a qualified IS operator under~~
23 ~~G.S. 115C-75.8(b1), or other unforeseen emergency, the ISD is authorized to act as an IS~~
24 ~~operator.~~

25 (b) Role of IS Operator. – The IS operator shall be authorized to have a direct role in
26 making decisions about school finance, human capital, and curriculum and instruction for the
27 innovative school while developing the leadership capacity in such schools.

28 (c) Assignment to Innovative Schools. – All innovative schools shall remain open to
29 enrollment in the same manner with the same attendance zone as prior to becoming an innovative
30 school. If a local board of education's reassignment of students within the local school
31 administrative unit due to student population changes or openings or closures of other schools
32 impacts the innovative school, the IS operator may appeal to the ISD Superintendent and request
33 a hearing before the State Board of Education regarding the reassignment. Notwithstanding
34 G.S. 115C-366, the State Board of Education shall, after hearing from both the local board of
35 education and IS operator, determine whether the reassignment of students impacting the
36 innovative school may proceed.

37 (d) Facility and Capital Expenditures. – Facility and capital expenditures shall be
38 provided as follows:

39 (1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local
40 board of education shall be responsible for facility and capital expenditures at
41 the qualifying school.

42 (2) All IS operators and local boards of education shall enter into an occupancy
43 agreement establishing the terms of occupancy for the IS operator not
44 otherwise addressed in statute. If the parties are unable to reach agreement,
45 either party may petition the State Board of Education to resolve any issues in
46 dispute.

47 (3) The IS operator shall have first priority in use of the facility for any purpose
48 related to the operation of the innovative school. The local board of education
49 may allow use of the facility by governmental, charitable, civic, or other
50 organizations for activities within the community and may retain any funds
51 received for such use for any time the IS operator has not provided written

1 notice to the local board of its use of the facility during that time for a purpose
2 related to the operation of the innovative school.

3 For the purposes of this subsection, facility and capital expenditures include routine
4 maintenance and repair, and capital expenditures include building repair and maintenance,
5 furniture, furnishings, and equipment.

6 (e) Transportation. – The local board of education shall provide transportation of all
7 students assigned to the innovative school in the same manner as provided for other schools in
8 the local school administrative unit in that school year.

9 (f) Memorandums of Understanding for Alternate Arrangements. – Notwithstanding this
10 section, the IS operator, in ~~consultation~~ collaboration with the ISD Superintendent, may elect to
11 enter into a memorandum of understanding for alternate arrangements with the local board of
12 education to address any of the following:

- 13 (1) Facility and capital expenditures.
- 14 (2) Transportation services.
- 15 (3) Services for Children with Disabilities.

16 If the IS operator elects to use a memorandum of understanding for alternate arrangements,
17 the IS operator and local board of education shall finalize the memorandum of understanding
18 within 30 days of the initial request by the IS operator. If the parties have not completed the
19 memorandum of understanding within 30 days, the State Board of Education shall resolve any
20 issues in dispute.

21 (g) Student Records. – The local board of education shall make available in a timely
22 fashion all student records to the innovative school at no cost for all students of that school.

23 (h) Innovative School Employees. – The IS operator shall select and hire the school
24 principal for an innovative ~~school~~ school in collaboration with the ISD Superintendent. Within
25 the limits of the school budget, the IS operator or its designee shall select staff members in
26 accordance with guidance from the ISD Superintendent. Before finalizing staffing
27 recommendations, the IS operator and the ISD Superintendent or the Superintendent's designee
28 shall interview all existing staff members at the qualifying school and review student growth and
29 performance data for those staff members for whom it is available. Notwithstanding Article 21A
30 of this Chapter, the IS operator and the ISD Superintendent shall be permitted to examine
31 personnel files of existing staff members for the qualifying school. The IS operator shall have
32 the authority to decide whether any administrator, teacher, or staff member previously assigned
33 to a qualifying school selected to become an innovative school shall continue as an employee of
34 the innovative school. Any such employees retained shall become employees of the ~~ISD. An~~ ISD,
35 unless the IS operator is another local board of education, in which case the employee may
36 become an employee of that board of education with approval of the ISD Superintendent. Except
37 as otherwise provided in this subsection, an employee hired to work in an innovative school shall
38 be an employee of the ISD, and the employees shall be under the exclusive control of the ISD.
39 All employees of the ISD shall be eligible for enrollment in the Teachers' and State Employees'
40 Retirement System of North Carolina, the State Health Plan, and other benefits available to State
41 employees. The IS operator shall provide funds to the ISD in an amount sufficient to provide
42 salary and benefits for employees of the ISD working in the innovative school based on the terms
43 of employment established by the IS operator. If a teacher at a qualifying school selected to
44 become an innovative school has career status under G.S. 115C-325 prior to employment to teach
45 at that innovative school, the teacher may return with career status to a public school in the local
46 school administrative unit where the innovative school is located upon the end of employment at
47 the innovative school, if an appropriate position is available. If an appropriate position is
48 unavailable, the teacher's name shall be placed on a list of available teachers in accordance with
49 G.S. 115C-325(e)(2).

50 (i) Criminal History Checks. – The State Board of Education shall require applicants for
51 employment with the ISD to be checked for criminal histories using the process provided in

1 G.S. 115C-332. The State Board of Education shall provide the criminal history it receives to the
2 ISD Superintendent and IS operator.

3 (j) Employees of Local Board of Education. – The transfer of a qualifying school shall
4 be deemed a reorganization of the local school administration unit resulting in a reduction in
5 force. If an employee is not given the option to continue as an employee for the innovative school,
6 the local board of education may, in its discretion, do any of the following:

7 (1) Continue the employee's employment with the local board of education.

8 (2) Dismiss the employee due to a reduction in force as provided in Article 22 of
9 this Chapter.

10 (3) Dismiss the employee as otherwise provided in Article 22 of this Chapter.

11 (k) Liability Insurance. – The IS operator shall maintain reasonable amounts and types
12 of liability insurance as established by the State Board of Education. No civil liability shall attach
13 to the State Board of Education, the Department of Public Instruction, the ISD Superintendent,
14 or a local board of education or to any of their members or employees, individually or
15 collectively, for any acts or omissions of the IS operator.

16 (l) School Nutrition Program. – The innovative school shall participate in the National
17 School Lunch Program, as provided in G.S. 115C-264.

18 (m) Cooperation with ISD Superintendent. – The local board of education shall cooperate
19 with the ISD Superintendent in carrying out his or her powers and duties as necessary in
20 accordance with this Chapter.

21 **"§ 115C-75.10. Innovative schools funds.**

22 (a) Funding Allocation Selection. – State and local funding for an innovative school shall
23 be allocated as provided in subsection (b) or subsection (c) of this section. The IS operator shall
24 select one of the allocation methods as the method to be used for the innovative school.

25 (b) Designated Funding. – Funding shall be allocated to the ISD for the innovative school
26 by the State Board of Education and local board of education as follows:

27 (1) The State Board of Education shall allocate the following to the ISD for each
28 innovative school:

29 a. An amount equal to the average per pupil allocation for average daily
30 membership from the local school administrative unit allotments in
31 which the innovative school was located for each child attending the
32 innovative school except for the allocations for (i) children with
33 disabilities, (ii) children with limited English proficiency, and (iii)
34 transportation. The State Board of Education shall provide the
35 allocation for transportation to the local school administrative unit in
36 which the innovative school is located.

37 b. An additional amount for each child attending the innovative school
38 who is a child with disabilities.

39 c. An additional amount for children with limited English proficiency
40 attending the innovative school, based on a formula adopted by the
41 State Board of Education.

42 (2) The local school administrative unit in which the innovative school is located
43 shall transfer to the ISD for the innovative school an amount equal to the per
44 pupil share of the local current expense fund of the local school administrative
45 unit for the fiscal year. The per pupil share of the local current expense fund
46 shall be transferred to the ISD for the innovative school within 30 days of the
47 receipt of monies into the local current expense fund. The local school
48 administrative unit and ISD may use the process for mediation of differences
49 between the State Board of Education and a charter school provided in
50 G.S. 115C-218.95(d) to resolve differences on calculation and transference of
51 the per pupil share of the local current expense fund. The amount transferred

1 under this subsection that consists of revenue derived from supplemental taxes
2 shall be transferred only to an innovative school located in the tax district for
3 which these taxes are levied and in which the student resides. The local school
4 administrative unit shall also provide the ISD with all of the following
5 information within the 30-day time period provided in this subsection:

- 6 a. The total amount of monies the local school administrative unit has in
7 each of the funds listed in G.S. 115C-426(c).
8 b. The student membership numbers used to calculate the per pupil share
9 of the local current expense fund.
10 c. How the per pupil share of the local current expense fund was
11 calculated.
12 d. Any additional records requested by the ISD from the local school
13 administrative unit in order for the ISD to audit and verify the
14 calculation and transfer of the per pupil share of the local current
15 expense fund.

16 (c) Funding Memorandum of Understanding. – The IS operator, in ~~consultation~~
17 collaboration with the ISD Superintendent, may enter into a funding memorandum of
18 understanding with the local board of education of the local school administrative unit where the
19 innovative school is located for all student support and operational services and instructional
20 services to be provided by the local board of education in the same manner and degree as in the
21 prior school year or funding in an amount equivalent to the amount the local board of education
22 would have expended on those services if provided. For the purposes of this subsection, student
23 support and operational services include cafeteria services, custodial services, broadband and
24 utilities, and student information services, and instructional services include alternative
25 education, special education services, test administration services, textbooks, technology, media
26 resources, instructional equipment, and other resources. The IS operator and local board of
27 education shall finalize the funding memorandum of understanding within 30 days of the initial
28 request for the memorandum by the IS operator. If the parties have not completed the funding
29 memorandum of understanding within 30 days, the State Board of Education shall resolve any
30 issues in dispute.

31 (d) The ISD may seek, manage, and expend federal money and grants, State funding,
32 municipal funding, and other funding with the same authority as a local school administrative
33 unit, including decisions related to allocation of State funds among innovative schools, and shall
34 be considered a local school administrative unit for all federal funding purposes.

35 **"§ 115C-75.11. Accountability and governance for innovative schools.**

36 (a) The IS operator shall set clear goals related to higher academic outcomes for students,
37 safe and positive learning environments for children, parent and community engagement, and the
38 efficient and effective use of taxpayer dollars, empower and equip teachers and school leaders to
39 meet the goals, and hold such teachers and school leaders accountable to meet the goals. The IS
40 operator shall apply to the ISD Superintendent for appropriate waivers for the innovative school
41 pursuant to G.S. 115C-75.7(e).

42 (b) ~~The IS operator~~ operator, in collaboration with the ISD Superintendent, shall select,
43 approve, or remove the school principal of an innovative school that it is managing in accordance
44 with this Article.

45 (c) The IS operator shall enter into an agreement with the school principal regarding
46 specific goals for the innovative school related to higher academic outcomes for students, safe
47 and positive learning environments for children, parent and community engagement, and the
48 efficient and effective use of taxpayer dollars. The agreement shall be made publicly available
49 on the ISD Web site.

1 (d) An innovative school shall not be included in any State evaluation or performance
2 models used for the local school administrative unit in which the school is located but shall be
3 considered a part of the ISD for all evaluation purposes.

4 **"§ 115C-75.12. Term of supervision for an innovative school.**

5 (a) An innovative school shall remain under the supervision of the ISD for a minimum
6 of five consecutive years through a contract with an IS operator. The following shall apply to the
7 term of a contract with an IS operator of an innovative school:

- 8 (1) Early termination of contract based on performance. – If, during the five-year
9 contract, the innovative school's annual percentage growth does not exceed
10 the average annual percentage growth of other qualifying schools for three
11 consecutive years, the State Board of Education, upon the recommendation of
12 the ISD Superintendent, may terminate the contract at the conclusion of the
13 academic year and select another IS operator in accordance with
14 G.S. 115C-75.8 to assume the remainder of the five-year contract and any
15 occupancy agreements or memorandums of understanding with the local
16 board of education at the beginning of the next academic year.
- 17 (2) Nonrenewal of contract based on performance. – If, by the end of the five-year
18 contract, the innovative school's average annual percentage growth during the
19 term of the contract does not exceed the average annual percentage growth of
20 other qualifying schools during the same term, the State Board of Education
21 shall not renew the contract of the IS operator and develop a transition plan to
22 return the school to the local school administrative unit.
- 23 (3) State Board of Education optional extension of contract for three years. – If,
24 by the end of the five-year contract, the innovative school remains a qualifying
25 school but has exceeded the average annual percentage growth of other
26 qualifying schools and has shown growth over the term of the contract, the
27 State Board of Education, upon the recommendation of the ISD
28 Superintendent in his or her discretion, may continue the contract with the IS
29 operator for an additional three-year term. The ISD Superintendent and IS
30 operator shall engage the school, the school community, and the school's local
31 board of education in developing a transition plan for the school to leave the
32 supervision of the ISD at the conclusion of the three-year extension of the
33 contract. If the State Board of Education does not elect to continue the
34 contract, the State Board of Education may do any of the following:
 - 35 a. Select another IS operator for a three-year contract.
 - 36 b. Close the school as provided in subdivision (2) of this subsection.
 - 37 c. Develop a transition plan to return the school to the local school
38 administrative unit for the next school year.
- 39 (4) IS operator option to extend contract for three years. – If, by the end of the
40 five-year contract, the innovative school receives a grade of C or higher under
41 G.S. 115C-12(9)c1., the IS operator shall have the option to extend the
42 contract for another three-year term. The ISD Superintendent and IS operator
43 shall engage the school, the school community, and the school's local board
44 of education in developing a transition plan for the school to leave the
45 supervision of the ISD at the conclusion of the three-year extension of the
46 contract. Options at the conclusion of the contract shall include the following:
 - 47 a. Conversion to charter. – If, in the development of the transition plan,
48 a local board of education indicates by resolution to the State Board of
49 Education that the local board of education elects to not receive the
50 transfer of the innovative school back to the local school
51 administrative unit, the IS operator may apply to convert the school to

1 a charter school under Article 14A of this Chapter. If a charter is
 2 awarded, the charter board of directors may request to use the facility
 3 as provided in G.S. 115C-218.35. If the IS operator does not seek
 4 conversion to a charter school or fails to receive a charter, the State
 5 Board of Education may close the school as provided in subdivision
 6 (2) of this subsection.

7 b. Alternate as operator or return to local school administrative unit. – If
 8 the IS operator does not elect to continue the contract, the State Board
 9 of Education may select another IS operator for a three-year contract
 10 or may develop a transition plan to return the school to the local school
 11 administrative unit for the next school year.

12 (5) Termination of contract on other grounds. – The State Board of Education,
 13 upon the recommendation of the ISD Superintendent, may terminate a
 14 contract with an IS operator at any time during the contract for financial
 15 mismanagement, noncompliance with federal or State laws, failure to comply
 16 with the terms of the contract, or evidence of criminal activity. The State
 17 Board of Education shall develop a transition plan to return the school to the
 18 local school administrative unit. ~~The ISD is authorized to act as a temporary~~
 19 ~~IS operator during the transition period, if necessary.~~

20 (b) An innovative school shall remain under the supervision of the ISD for no more than
 21 eight years.

22 (c) The State Board of Education shall make all decisions related to contracts for IS
 23 operators no later than May 1, except as provided in subdivision (5) of subsection (a) of this
 24 section.

25 **"§ 115C-75.13. Innovation zones.**

26 (a) If a local board of education transfers a qualifying school to the ISD, the local board
 27 of education may ask the State Board of Education to be allowed to create an innovation zone (i)
 28 for up to three ~~continually~~ low-performing schools within its local school administrative unit or
 29 (ii) if the local school administrative unit has more than thirty-five percent (35%) of the schools
 30 identified in the unit as low-performing, for some or all of the low-performing schools located in
 31 the unit.

32 The State Board of Education shall grant, upon recommendation of the ISD Superintendent,
 33 such requests for the creation of an innovation zone. The State Board of Education shall also
 34 authorize the local board of education the flexibility to operate the schools within the innovation
 35 zone with the same exemptions from statutes and rules as a charter school authorized under
 36 Article 14A of this Chapter and with exemptions from local board of education policies as needed
 37 to ensure autonomy under the guidance of the innovation zone office for financial, programmatic,
 38 staffing, and time allocation decisions.

39 (b) The innovation zone created by a local board of education must include all of the
 40 following:

- 41 (1) Development of a clear and specific plan for improving schools within the
 42 innovation zone.
- 43 (2) Establishment of an innovation zone office with a leader ~~recommended by~~
 44 selected in consultation with the ISD Superintendent to be appointed by the
 45 local board of education and approved by the State Board of Education to
 46 govern and lead the schools in the innovation zone.
- 47 (3) Attraction of high-quality staff at schools in the innovation zone through the
 48 use of incentives, favorable working conditions, and development of
 49 partnerships to develop human capital.
- 50 (4) Accountability for those schools based on established benchmarks and goals
 51 for student achievement and for support services provided by the local school

- 1 administrative unit based on metrics established by the innovation zone office
 2 for effective and efficient delivery.
- 3 (5) Support for those schools by the innovation zone office to ensure priority in
 4 services from the local school administrative unit, pursuit of outside funding,
 5 and technical support, including support from external partners.
- 6 (c) A local board of education may maintain an innovation zone created as provided in
 7 subsection (a) for up to five consecutive years. The State Board of Education may terminate the
 8 innovation zone as follows:
- 9 (1) Early termination of innovation zone based on performance. – If, during the
 10 five-year period, the average of the annual percentage growth of the schools
 11 within the innovation zone does not exceed the average annual percentage
 12 growth of other ~~continually~~ low-performing schools for three consecutive
 13 years, the State Board of Education, upon the recommendation of the ISD
 14 Superintendent, may terminate the innovation zone at the conclusion of the
 15 academic year.
- 16 (2) Nonrenewal of innovation zone based on performance. – If, by the end of the
 17 five-year period, the average annual percentage growth of the schools within
 18 the innovation zone over the five-year period does not exceed the average
 19 annual percentage growth of other ~~continually~~ low-performing schools during
 20 the same term, the State Board of Education shall not permit the local board
 21 of education to continue the innovation zone.
- 22 (3) State Board of Education optional extension of innovation zone for three
 23 years. – If, by the end of the five-year period, the schools within the innovation
 24 zone remain ~~continually~~ low-performing schools but have exceeded the
 25 average annual percentage growth of other ~~continually~~ low-performing
 26 schools, the State Board of Education, upon the recommendation of the ISD
 27 Superintendent in his or her discretion, may allow continuation of the
 28 innovation zone for an additional three years.
- 29 (4) Local board of education option to extend innovation zone for three years. –
 30 If, by the end of the five-year period, the schools within the innovation zone
 31 receive a grade of C or higher under G.S. 115C-12(9)c1., the local board of
 32 education shall have the option to extend the innovation zone for another three
 33 years.
- 34 ~~(d) A low-performing school in an innovation zone, created as provided in clause (ii) of~~
 35 ~~subsection (a) of this section, shall become an innovative school if that low-performing school~~
 36 ~~does not exceed expected growth in the last two years of the five consecutive years in the~~
 37 ~~innovation zone."~~

38 **SECTION 1.(b)** G.S. 115C-429(a) reads as rewritten:

39 "(a) Upon receiving the budget from the superintendent and following the public hearing
 40 authorized by G.S. 115C-428(b), if one is held, the board of education shall consider the budget,
 41 make such changes therein as it deems advisable, and submit the entire budget as approved by
 42 the board of education to the board of county commissioners not later than May 15, or such later
 43 date as may be fixed by the board of county commissioners. At the time of submission of the
 44 budget, the board of education shall also submit to the board of county commissioners in writing
 45 the academic performance of the schools in the local school administrative unit, including the
 46 school performance grades of each school, any schools identified as low-performing or
 47 continually low-performing or included on the Innovative School District qualifying, watch, or
 48 warning list, and efforts by the local board of education to improve those identified schools'
 49 performance. The local board of education shall present the academic performance information
 50 at a public meeting upon the request of the board of commissioners."

1 **SECTION 1.(c)** For the purposes of this subsection, a qualifying school is as defined
2 by G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7, as amended by
3 this act, the State Board of Education shall select the following schools to become innovative
4 schools:

- 5 (1) The lowest scoring qualifying school in the State identified based on the
6 school performance score calculated from data for the 2019-2020 school year
7 to become an innovative school in the 2021-2022 school year.
- 8 (2) The lowest scoring qualifying school in the State identified based on the
9 school performance score calculated from data for the 2020-2021 school year
10 to become an innovative school in the 2022-2023 school year.

11 **SECTION 1.(d)** The State Board of Education shall select all innovative schools, as
12 required by G.S. 115C-75.7(a), as amended by this act, no earlier than the 2022-2023 school year
13 for inclusion in the Innovative School District beginning with the 2023-2024 school year, unless
14 a local board of education requests selection prior to that year.

15 **SECTION 1.(e)** The State Superintendent of Education and the ISD Superintendent
16 shall jointly study the following and report on any recommendations and suggested legislative
17 changes to the Joint Legislative Education Oversight Committee no later than March 15, 2020:

- 18 (1) Options for innovative schools. – Structure of innovative schools and types of
19 partnerships with IS operators or other entities that provide effective options
20 and ensure flexibility for the Innovative School District (ISD) to best address
21 the needs of innovative schools and students. This recommendation should
22 take into consideration, but is not limited to, factors such as length of time of
23 an innovative school in the ISD, role or relationship of the local board of
24 education with the ISD and innovative school, and types of entities and
25 contract terms that the ISD should use to establish options for selecting the
26 most appropriate entity to serve the innovative school.
- 27 (2) Reform of low-performing school models. – Alignment of requirements in
28 Chapter 115C of the General Statutes for identification and reform of
29 low-performing and continually low-performing schools, including Part 3 of
30 Article 8B of Chapter 115C of the General Statutes, with other reform efforts
31 in State and federal law, to ensure a comprehensive and efficient approach to
32 support and improvement of those schools that does not create redundancies.

33 **SECTION 1.(f)** Section 8 of S.L. 2016-110, as amended by Section 7.26E(f) of S.L.
34 2017-57 and Section 27(b) of S.L. 2018-145, reads as rewritten:

35 "**SECTION 8.** This act is effective when it becomes law and supervision of innovative
36 schools by the Innovative School District shall begin with the 2018-2019 school year. In the
37 discretion of the State Board of Education (i) the ISD Superintendent may not be required during
38 the 2017-2018 school year to recommend qualifying schools for inclusion in the ISD for the
39 2018-2019 school year and (ii) the time line for selection of innovative schools for the 2018-2019
40 school year provided in G.S. 115C-75.7 may be varied, but in no event may the local board of
41 education's decision occur later than April 1, 2018. ~~The State Board of Education may select up
42 to five qualifying schools to transfer to the ISD beginning with the 2018-2019 school year but
43 shall have selected five qualifying schools for transfer to the ISD no later than the 2020-2021
44 school year.~~"

45
46 **PART II. ELIMINATE THE CAP ON LOCAL BOARDS OF EDUCATION THAT CAN
47 PARTICIPATE IN THE ADVANCED TEACHING ROLES PILOT PROGRAM AND
48 EXEMPT PARTICIPATING SCHOOLS FROM CLASS SIZE REQUIREMENTS**

49 **SECTION 2.(a)** Section 8.7(c) of S.L. 2016-94, as amended by Section 2.6 of S.L.
50 2018-97, reads as rewritten:

1 "SECTION 8.7.(c) Selection by State Board of Education. – By December 15, 2016, the
2 State Board of Education shall review the initial proposals submitted by local boards of
3 education. The State Board shall review additional, subsequent proposals submitted by local
4 boards of education in accordance with requirements set by the State Board. ~~The State Board~~
5 ~~shall select a maximum of 10 local school administrative units to participate in the pilot as~~
6 ~~follows:~~

7 (1) ~~Up to five local school administrative units with an average daily membership~~
8 ~~(ADM) equal to or less than 4,000.~~

9 (2) ~~Up to three local school administrative units with an ADM of 4,001 to 20,000.~~

10 (3) ~~Up to two local school administrative units with an ADM of 20,001 or more."~~

11 **SECTION 2.(b)** Sections 7.15(a) and 7.15(b) of S.L. 2017-57 are repealed. Section
12 8.7(i) of S.L. 2016-94, as it existed immediately before its repeal under Section 7.15(a) of S.L.
13 2017-57, is reenacted.

14 **SECTION 2.(c)** If House Bill 966, 2019 Regular Session, becomes law, then this
15 section is repealed.

17 **PART III. EFFECTIVE DATE**

18 **SECTION 3.** This act is effective when it becomes law. Section 1 applies beginning
19 with schools identified as qualifying schools for the 2019-2020 school year, based on data from
20 the 2018-2019 school year.