

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 707*

Short Title: Community-Based School Assignments.

(Public)

Sponsors: Representatives Gulley; Baker, Barbee, Berry, Black, Bowie, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Creech, Culp, Davis, Dickson, Eddins, Hall, Hardy, Hiatt, Justus, Kiser, McMahan, Morris, Rayfield, Reynolds, Sexton, Sherrill, Shubert, Starnes, Thompson, Weatherly, C. Wilson, G. Wilson, and Wood.

Referred to: Education.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO PERMIT CHILDREN TO ATTEND COMMUNITY SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-364.1. School attendance districts or zones should promote community-based schools.

(a) The General Assembly finds that community-based schools can enhance the educational program of the public schools by (i) improving community commitment to schools, (ii) making schools more responsive to community needs, (iii) facilitating parental participation and involvement in conferences, events, and other school activities, (iv) providing services to families of children attending the schools, (v) providing after-school services to children such as tutoring, mentoring, and special programming, (vi) improving communication and maintaining close relationships with parents, and (vii) respecting parents as the child's first and most important teachers.

(b) Local boards of education shall review their school attendance districts or zones and shall establish a process for modifying them to promote community-based

1 schools. Local boards of education shall also review the relative merits of schools within
2 their units and shall consider reallocating resources, if appropriate, to enhance parental
3 satisfaction with schools within each community. Local boards of education shall report
4 to the State Board of Education on an annual basis on the implementation of this section."

5 Section 2. G.S. 115C-369 reads as rewritten:

6 **"§ 115C-369. Application for reassignment; notice of disapproval; hearing before**
7 **board.**

8 (a) Applications for reassignment to the nonmagnet school closest to the child's
9 domicile. – If the school to which a child is assigned, other than a magnet school, is not
10 the nonmagnet school closest to the child's domicile, the parent, guardian, person
11 standing in loco parentis to the child may apply to the local board of education for
12 reassignment of the child to the nonmagnet school that is closest to the child's domicile.
13 The application for reassignment shall be made, within 10 days after notification of the
14 assignment or of the last publication of the assignment, in accordance with rules adopted
15 by the local board of education.

16 The local board shall approve the reassignment, even if it must reassign other children
17 to do so, unless:

18 (1) The nonmagnet school that is closest to the child's domicile is
19 overcrowded due to the number of children assigned to it or reassigned
20 to it under this subsection who live closer to the school;

21 (2) The reassignment would violate a federal law, a court order, or the
22 conditions of a federal grant; or

23 (3) The local board finds that the school is not grade-appropriate for the
24 child or that the child needs a school of a specialized kind such as a
25 school that can implement the child's individual education program or a
26 school that can provide a suitable alternative learning program.

27 If it is not possible to reassign the child to the nonmagnet school that is closest to the
28 child's domicile, the local board shall consider reassignment to the nonmagnet school that
29 is second-closest to the child's domicile.

30 If reassignment to the closest such school is disapproved or if reassignment to the
31 second-closest such school is disapproved, the local board of education shall notify the
32 applicant by registered or certified mail. The applicant may appeal the board's decision
33 within five days after receipt of the notice and shall be entitled to a prompt and fair
34 hearing on the appeal. The local board of education may designate a hearing panel
35 composed of not less than two members of the board to hear the appeal in the name of the
36 board. The panel's findings and recommendations shall be submitted to the board for
37 final determination. At the hearing, the board shall reconsider its decision to disapprove
38 the reassignment. The local board shall make findings of fact and conclusions of law on
39 the matter promptly and shall notify the applicant of the decision by registered or
40 certified mail.

41 (b) Applications for reassignment to a magnet school. – If a child is assigned to a
42 school other than the magnet school for which application for the child was made, the
43 parent, guardian, or person standing in loco parentis to the child may apply to the local

1 board of education for reassignment of the child to the magnet school. The application
2 for reassignment shall be made, within 10 days after notification of the assignment or of
3 the last publication of the assignment, in accordance with rules adopted by the board of
4 education.

5 The local board shall approve the reassignment unless:

6 (1) The magnet school is overcrowded due to the number of children
7 assigned to the school under the regular magnet admissions process and
8 due to the number of children reassigned to the school under this
9 subsection whose domicile is closer to the school;

10 (2) The reassignment would violate a federal law, a court order, or the
11 conditions of a federal grant; or

12 (3) The local board finds that the school is not grade-appropriate for the
13 child or that the child needs a school of a specialized kind such as a
14 school that can implement the child's individual education program or a
15 school that can provide a suitable alternative learning program.

16 If reassignment to the magnet school is disapproved, the local board of education shall
17 notify the applicant by registered or certified mail. The applicant may appeal the board's
18 decision within five days after receipt of the notice and shall be entitled to a prompt and
19 fair hearing on the appeal. The local board of education may designate a hearing panel
20 composed of not less than two members of the board to hear the appeal in the name of the
21 board. The panel's findings and recommendations shall be submitted to the board for
22 final determination. At the hearing, the board shall reconsider its decision to disapprove
23 the reassignment. The local board shall make findings of fact and conclusions of law on
24 the matter promptly and shall notify the applicant of the decision by registered or
25 certified mail.

26 (c) Other applications for reassignment. – The parent or guardian of any child,
27 parent, guardian, or the person standing in loco parentis to any child, who is dissatisfied
28 with the assignment made by a local board of education may, within 10 days after
29 notification of the assignment, or the last publication thereof, may apply in writing to the local
30 board of education for the reassignment of the child to a different public school.
31 Application–The application for reassignment shall be made on forms prescribed by the local
32 board of education pursuant to–made, within 10 days after notification of the assignment or
33 of the last publication of the assignment, in accordance with rules and regulations adopted
34 by the board of education. If education.

35 If the application for reassignment is disapproved, the local board of education shall
36 give notice to–notify the applicant by registered or certified mail, and the–mail. The
37 applicant may appeal the board's decision within five days after receipt of such–the notice
38 apply to the local board for a hearing, and shall be entitled to a prompt and fair hearing on
39 the question of reassignment of such child to a different school.–appeal. The local board of
40 education may designate a hearing panels–panel composed of not less than two members
41 of the board to hear such appeals–the appeal in the name of the board of education.–board.
42 The panel's findings and recommendations shall be submitted to the board of education
43 for final determination. At the hearing the local board of education shall consider the

1 best interest of the child, the orderly and efficient administration of the public schools,
2 the proper administration of the school to which reassignment is requested and the
3 instruction, health, and safety of the pupils there enrolled, and shall assign said child in
4 accordance with such factors. The local board shall render prompt decision upon the
5 hearing, and ~~notice shall notify the applicant of the decision shall be given to the applicant~~
6 by registered or certified mail.

7 (d) The State Board of Education shall adopt rules for the implementation of this
8 section."

9 Section 3. G.S. 115C-426.1 reads as rewritten:

10 "**§ 115C-426.2. Joint planning.**

11 In order to promote greater mutual understanding of immediate and long-term
12 budgetary issues and constraints affecting public schools and county governments, local
13 boards of education and boards of county commissioners are strongly encouraged to
14 conduct periodic joint meetings during each fiscal year. In particular, the boards are
15 encouraged to assess the school capital outlay ~~needs,~~ needs for new facilities and for
16 existing facilities, to develop and update a joint five-year plan for meeting those needs,
17 and to consider this plan in the preparation and approval of each year's budget under this
18 Article."

19 Section 4. This act is effective when it becomes law and applies to all school
20 years beginning with the 1997-98 school year.