

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 704  
House Committee Substitute Favorable 5/24/10  
Third Edition Engrossed 5/26/10

Short Title: Reform Low-Performing Schools.

(Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

1 AN ACT TO SOLELY PROVIDE AUTHORIZATION FOR THE STATE BOARD OF  
2 EDUCATION TO APPROVE REQUESTS OF LOCAL BOARDS OF EDUCATION TO  
3 REFORM CONTINUALLY LOW-PERFORMING SCHOOLS AS EITHER A  
4 TRANSFORMATION MODEL, RESTART MODEL, TURNAROUND MODEL, OR  
5 SCHOOL CLOSURE MODEL; TO DEFINE TRANSFORMATION MODEL AS A  
6 SCHOOL WHICH INCREASES TEACHER AND SCHOOL LEADER  
7 EFFECTIVENESS, CREATES COMPREHENSIVE INSTRUCTIONAL REFORM  
8 STRATEGIES, INCREASES LEARNING TIME, CREATES COMMUNITY-ORIENTED  
9 SCHOOLS, AND PROVIDES OPERATIONAL FLEXIBILITY AND SUSTAINED  
10 SUPPORT; TO DEFINE RESTART MODEL AS ALLOWING THE SCHOOL TO  
11 OPERATE UNDER THE SAME RULES AS A CHARTER SCHOOL OR UNDER THE  
12 MANAGEMENT OF AN EDUCATIONAL MANAGEMENT ORGANIZATION WITH  
13 NO INCREASE IN THE MAXIMUM NUMBER OF CHARTER SCHOOLS AS  
14 PROVIDED IN G.S. 115C-238.29D(b); TO DEFINE TURNAROUND MODEL AS  
15 REPLACING THE PRINCIPAL IF THE PRINCIPAL HAS BEEN IN THAT POSITION  
16 FOR AT LEAST THREE YEARS AND REHIRING NO MORE THAN FIFTY  
17 PERCENT OF SCHOOL STAFF, ADOPTING A NEW SCHOOL GOVERNANCE  
18 STRUCTURE CONSISTENT WITH ARTICLE 8B OF CHAPTER 115C OF THE  
19 GENERAL STATUTES, AND IMPLEMENTING AN INSTRUCTIONAL PROGRAM  
20 ALIGNED WITH THE STANDARD COURSE OF STUDY; TO DEFINE SCHOOL  
21 CLOSURE MODEL AS CLOSING THE SCHOOL CONSISTENT WITH G.S. 115C-72  
22 AND ENROLLING THE STUDENTS IN ANOTHER HIGHER-ACHIEVING SCHOOL  
23 IN THE LOCAL SCHOOL ADMINISTRATIVE UNIT CONSISTENT WITH ARTICLE  
24 25 OF CHAPTER 115C OF THE GENERAL STATUTES; AND TO PROVIDE  
25 AUTHORIZATION TO THE STATE BOARD TO ADOPT RULES AND PROCEDURES  
26 CONSISTENT WITH THESE DEFINED MODELS; AND TO IMPLEMENT THESE  
27 MODELS WITH ANNUAL REPORTING TO THE STATE BOARD OF EDUCATION  
28 FROM THE LOCAL SCHOOL ADMINISTRATIVE UNITS.

29 The General Assembly of North Carolina enacts:

30 **SECTION 1.** Article 8B of Chapter 115C of the General Statutes is amended by  
31 adding a new section to read:

32 **"§ 115C-105.37B. Reform of continually low-performing schools.**

33 (a) Notwithstanding any other provision of this Article, the State Board of Education is  
34 authorized to approve a local board of education's request to reform any school in its  
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1 administrative unit which the State Board of Education has identified as one of the continually  
2 low-performing schools in North Carolina.

3 If the State Board of Education approves a local board of education's request to reform a  
4 school, the State Board of Education may authorize the local board of education to adopt one of  
5 the following models in accordance with State Board of Education requirements:

6 (1) Transformation model, which would address the following four specific  
7 areas critical to transforming a continually low-performing school:

8 a. Developing and increasing teacher and school leader effectiveness.

9 b. Comprehensive instructional reform strategies.

10 c. Increasing learning time and creating community-oriented schools.

11 d. Providing operational flexibility and sustained support.

12 (2) Restart model, in which the State Board of Education would authorize the  
13 local board of education to operate the school with the same exemptions  
14 from statutes and rules as a charter school authorized under Part 6A of  
15 Article 16 of this Chapter, or under the management of an educational  
16 management organization that has been selected through a rigorous review  
17 process. A school operated under this subdivision remains under the control  
18 of the local board of education, and employees assigned to the school are  
19 employees of the local school administrative unit with the protections  
20 provided by G.S. 115C-325. This subdivision shall not be interpreted to  
21 increase the maximum number of charter schools provided in G.S. 115C-  
22 238.29D(b). No school authorized under this subsection shall count against  
23 the limit provided for charter schools in G.S. 115-238.29D(b).

24 (3) Turnaround model, which would involve, among other actions, replacing the  
25 principal, if the principal has been in that position for at least three years,  
26 and rehiring no more than fifty percent (50%) of the school's staff, adopting  
27 a new governance structure at the school consistent with this Article, and  
28 implementing an instructional program aligned with the Standard Course of  
29 Study.

30 (4) School closure model, in which a local school administrative unit would  
31 close the school consistent with G.S. 115C-72 and enroll the students who  
32 attended the school in other, higher-achieving schools in the local school  
33 administrative unit consistent with Article 25 of this Chapter.

34 (b) The State Board of Education shall adopt rules to develop requirements for the  
35 models for school reform established in subsection (a) of this section.

36 (c) The State Board shall establish a procedure to implement this section. This  
37 procedure shall include annual reporting requirements from local boards that are authorized to  
38 use one of the models under this section and shall include a procedure for removing or  
39 continuing the authorization.

40 (d) Nothing in this section shall be construed to limit the authority of a local board of  
41 education as otherwise provided in this Chapter."

42 **SECTION 2.** This act is effective when it becomes law.