

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 644
Committee Substitute Favorable 5/4/21

Short Title: Remote Academies.

(Public)

Sponsors:

Referred to:

April 26, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE USE OF REMOTE ACADEMIES BY LOCAL SCHOOL
3 ADMINISTRATIVE UNITS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 16 of Chapter 115C of the General Statutes is amended by
6 adding a new Part to read:

7 "Part 3A. Remote Academies.

8 **"§ 115C-234. Remote academies.**

9 (a) A local board of education may apply to the State Board of Education for approval of
10 remote academies that meets the requirements of this Part. The State Board of Education shall
11 limit total enrollment in all remote academies granted to the local school administrative unit to
12 no more than ten percent (10%) of the total student enrollment of that unit. The State Board shall
13 grant no more than the following numbers of remote academies per local school administrative
14 unit, based on student enrollment at the time of application:

15 (1) One remote academy for local school administrative units with 15,000 or
16 fewer students.

17 (2) Two remote academies for local school administrative units with between
18 15,001 and 30,000 students.

19 (3) Three remote academies for local school administrative units with between
20 30,001 and 50,000 students.

21 (4) Four remote academies for local school administrative units with between
22 50,001 and 100,000 students.

23 (5) Five remote academies for local school administrative units with more than
24 100,000 students.

25 (b) A remote academy is a public school that provides a majority of instructional hours
26 through remote instruction to all students enrolled in the school. Remote instruction is instruction
27 that primarily uses technology to deliver instructional content over the internet to students in a
28 remote location both synchronously and asynchronously.

29 (c) A local board of education shall not provide the majority of instructional hours
30 through remote instruction in a school except as provided in this Part.

31 **"§ 115C-234.5. Remote academy requirements.**

32 (a) Except as provided in this Part, a remote academy shall meet all requirements for a
33 public school included in this Chapter.

34 (b) Notwithstanding Article 17 of this Chapter, a remote academy shall not be required
35 to provide transportation or food services to enrolled students.

36 (c) A remote academy may include any combination of grade levels.



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1 (d) The following students shall be eligible to attend a remote academy:

2 (1) A student whose parent or guardian applies for admission on that student's
3 behalf, including a commitment to provide internet connectivity for that
4 student if accepted into the remote academy. A student with an individualized
5 education program (IEP), as defined in G.S. 115C-106.3(8), shall be permitted
6 to enroll in a remote academy only if the student's IEP team determines that
7 the remote academy is the least restrictive alternative environment for that
8 student.

9 (2) A student on a short-term or long-term suspension from another public school
10 who is assigned to the remote academy by the local school administrative unit
11 operating such remote academy when internet connectivity for that student is
12 available.

13 (e) A remote academy shall provide any hardware and software needed to participate in
14 the remote academy to an enrolled student. The local board of education may not charge any
15 student a rental fee for the use of hardware or software. A student's parents or legal guardians
16 may be charged damage fees for abuse or loss of hardware or software under rules adopted by
17 the State Board of Education.

18 (f) A remote academy may require students to attend in-person or proctored assessment
19 for State-mandated student assessments or to fulfill graduation requirements identified by the
20 academy and may conduct optional in-person meetings between students and instructors or
21 parents and instructors at a public school facility.

22 (g) The State Board of Education shall establish by rule additional minimum
23 requirements for student monitoring, including, but not limited to, compliance with
24 G.S. 115C-84.2, student attendance and testing requirements, infrastructure, and delivery of
25 instruction in remote academies.

26 **"§ 115C-234.10. Remote academy approval process.**

27 (a) Each local board of education seeking to offer a remote academy shall submit to the
28 State Board of Education for approval a plan that provides for the following:

29 (1) Considerations the local school administrative unit will make when reviewing
30 applications for enrollment to attend the remote academy.

31 (2) The range of grades for which the remote academy will offer courses.

32 (3) The method by which the remote academy will monitor enrollment, course
33 credit accrual, progress toward graduation, and course completion.

34 (4) Hardware, software, and other infrastructure that supports online learning.

35 (5) The minimum amount of synchronous instruction time required to complete a
36 course, including the amount of time each student must spend in synchronous
37 instruction with a licensed teacher to complete a course.

38 (6) The professional development that will be provided to those teaching in the
39 remote academy related to the pedagogy of providing remote instruction.

40 (7) The method by which student proficiency in a course will be tested or
41 measured.

42 (8) The method by which the remote academy will meet requirements for physical
43 education under the laws of the State.

44 (9) The method by which the remote academy will communicate student progress
45 with parents or legal guardians, including providing for in-person meetings at
46 the discretion of the principal of the remote academy.

47 (10) The method for determining location for, safety precautions during, and
48 personnel at an in-person meeting if the remote academy plans to offer
49 optional in-person meetings.

50 (b) The State Board of Education shall review and approve a plan submitted by a local
51 school board for the creation of a remote academy that meets the requirements established in this

1 Part. A remote academy shall be approved for a period of five school years, and may be renewed
2 for additional five-year terms, upon resubmission of an application.

3 (c) The State Board may revoke approval of a remote academy at any time on the basis
4 of substantial noncompliance with the requirements of this Part or the approved plan.

5 **"§ 115C-234.15. Operation of remote academies.**

6 (a) Each approved remote academy shall adhere to the plan submitted to and approved
7 by the State Board of Education unless the local school administrative unit obtains in writing
8 approval for plan modifications from the State Board of Education.

9 (b) Each approved remote academy shall receive a school code and shall be assigned a
10 principal for that school.

11 **"§ 115C-234.20. Evaluation.**

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

17 **SECTION 2.** The State Board of Education shall adopt emergency rules for the
18 implementation of Part 3A of Article 16 of Chapter 115C of the General Statutes, as enacted by
19 this act, for use in the 2021-2022 school year only, in accordance with G.S. 150B-21.1A.

20 **SECTION 3.** The State Board of Education shall make the first evaluation report
21 required by G.S. 115C-234.20, as enacted by this act, by November 15, 2022.

22 **SECTION 4.** Notwithstanding the limitations established by Part 3A of Article 16
23 of Chapter 115C of the General Statutes, as enacted by this act, a local school administrative unit
24 that has been assigned a school code to operate a school with virtual instruction as the primary
25 means of instruction by May 1, 2021, may continue to operate that school and provide virtual
26 instruction at that school to satisfy the minimum required number of instructional days or hours
27 for the school calendar during the 2021-2022 school year.

28 **SECTION 5.** A charter school may provide blended learning that includes virtual
29 instruction during the 2021-2022 school year if the Office of Charter Schools has approved a
30 curriculum amendment allowing blended learning for that school for the 2021-2022 school year
31 no later than September 1, 2021.

32 **SECTION 6.** This act is effective when it becomes law and applies beginning with
33 the 2021-2022 school year.