

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2022-59
SENATE BILL 671**

AN ACT TO PROVIDE FOR VIRTUAL EDUCATION IN PUBLIC SCHOOL UNITS IN EMERGENCY CIRCUMSTANCES, TO EXTEND PLANNED VIRTUAL INSTRUCTION FOR THE 2022-2023 SCHOOL YEAR FOR ALL PUBLIC SCHOOL UNITS, TO PROVIDE FOR REMOTE ACADEMIES IN LOCAL SCHOOL ADMINISTRATIVE UNITS BEGINNING WITH THE 2023-2024 SCHOOL YEAR, TO EXTEND PLANNED VIRTUAL INSTRUCTION FOR CHARTER SCHOOLS THROUGH THE 2023-2024 SCHOOL YEAR, AND TO EXTEND THE VIRTUAL CHARTER SCHOOL PILOT THROUGH THE 2024-2025 SCHOOL YEAR.

The General Assembly of North Carolina enacts:

PART I. VIRTUAL EDUCATION

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

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

SECTION 1.(b) Section 3(i) of S.L. 2021-130 reads as rewritten:

"**SECTION 3.(i)** This section is effective when it becomes law and applies to beginning with the 2021-2022 school year. ~~This section is repealed June 30, 2022.~~"

PART II. REMOTE ACADEMIES

SECTION 2.(a) Article 16 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 3A. Remote Academies.

"§ 115C-234. Remote academies.

(a) A local school administrative unit may apply to the State Board of Education for approval of remote academies that meet the requirements of this Part.

(b) A remote academy is a public school whose instruction is provided primarily online through a combination of synchronous and asynchronous instruction delivered to students in a remote location outside of the school facility. A remote academy may include any combination of grade levels.

(c) Notwithstanding G.S. 115C-84.3, a remote academy approved by the State Board of Education may satisfy the minimum required number of instructional days or hours for the school calendar through remote instruction.

"§ 115C-234.5. Remote academy enrollment.

(a) A student shall not be assigned to attend a remote academy without parental consent. A local school administrative unit shall require an application to secure parental consent prior to enrollment of a student in a remote academy.

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



(c) A student may not be denied admission to a remote academy solely on the basis that the student is a child with a disability. If a student is admitted to a remote 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 academy.

(d) A local school administrative unit may reassign a student to an in-person school within that unit during the school year if the local board of education determines that an in-person school would better ensure academic success for that student. The local board of education may delegate this authority to the superintendent.

(e) A remote academy in a local school administrative unit shall comply with the requirements of G.S. 115C-301 with regards to class size.

"§ 115C-234.10. Remote academy requirements.

(a) Except as provided in this Part, a remote academy shall meet the same requirements required in this Chapter as other public schools governed by local boards of education.

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

- (1) Any hardware and software needed to participate in the remote 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 academy may require students to attend in person to fulfill State-mandated student assessments or graduation requirements. A remote academy may conduct optional in-person meetings between students and instructors or parents and instructors at a local school administrative unit facility.

(d) The employees of a remote academy shall meet the same licensure and evaluation requirements as required for in-person employees of the local school administrative unit. The remote 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-234.15. Remote academy approval process.

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

- (1) The range of grades for which the remote academy will offer courses.
- (2) The method by which the remote academy will monitor calendar compliance, enrollment, daily attendance, course credit accrual, progress toward graduation, and course completion.
- (3) Hardware, software, and learning management platforms that support online learning.

- (4) The measures used to ensure that both synchronous and asynchronous remote instruction time, practice, and application components support learning growth that continues towards mastery of the standard course of study.
- (5) The professional development that will be provided to those teaching in the remote academy related to the pedagogy of providing remote instruction.
- (6) The identified characteristics for successful remote learning and criteria for admission to the remote academy. The governing body 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 academy and those characteristics and criteria to allow for informed decisions about enrollment.
- (7) Any school nutrition services or transportation services that will be provided to students.

(b) The State Board of Education shall review and approve a plan submitted by a local board of education for the creation of a remote academy that meets the requirements established in this Part for a term of five years.

"§ 115C-234.20. Operation and renewal of remote academies.

(a) Each approved remote academy shall adhere to the plan submitted to and approved by the State Board of Education unless the local board of education obtains in writing approval for plan modifications from the State Board of Education.

(b) Each approved remote academy shall receive a school code. A remote academy in a local school administrative unit with less than 100 students in final average daily membership is not entitled to 12 months of employment for a principal.

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

"§ 115C-234.25. Evaluation.

The State Board of Education shall evaluate the success of remote 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 schools and on any recommended statutory changes."

SECTION 2.(b) The State Board of Education shall make the first evaluation report required by G.S. 115C-234.25, as enacted by this section, by November 15, 2024.

SECTION 2.(c) Section 3B(c) of S.L. 2021-130 is repealed. Notwithstanding G.S. 115C-84.3, as amended by this act, or G.S. 115C-234, as enacted by this act, a public school unit assigned a school code to operate a school with virtual instruction as the primary means of instruction as of May 1, 2021, may continue to operate that school for the 2022-2023 school year. A public school unit that submitted a virtual instruction plan for the 2021-2022 school year to the Department of Public Instruction may continue to provide virtual instruction in accordance with that plan for the 2022-2023 school year.

SECTION 2.(d) Subsection (a) of this section applies beginning with the 2023-2024 school year.

PART III. CHARTER SCHOOL VIRTUAL EDUCATION

SECTION 3.(a) Notwithstanding G.S. 115C-84.3, as amended by this act, a charter school that submitted a virtual instruction plan for the 2021-2022 school year to the Department of Public Instruction may continue to provide virtual instruction in accordance with that plan for the 2023-2024 school year.

SECTION 3.(b) Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L. 2016-94 and Section 7.13 of S.L. 2018-5, reads as rewritten:

"SECTION 8.35.(a) Notwithstanding G.S. 115C-218.5 or any other provision of law to the contrary, the State Board of Education shall establish a pilot program to authorize the operation of two virtual charter schools serving students in kindergarten through twelfth grade. The State Board shall establish an application process to allow student enrollment in the selected virtual charter schools beginning with the 2015-2016 school year. A virtual charter school participating in the pilot may serve any grade span of students in kindergarten through twelfth grade. The pilot program shall continue for a period of ~~eight~~10 school years and shall end with the ~~2022-2023~~2024-2025 school year.

...."

SECTION 3.(c) A virtual charter school that participated in the pilot program authorized by Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L. 2016-94, Section 7.13 of S.L. 2018-5, and this section, shall be eligible to apply to the State Board of Education for a charter renewal as provided in G.S. 115C-218.6.

PART IV. EFFECTIVE DATE

SECTION 4. Except as otherwise provided, this act is effective when it becomes law and applies beginning with the 2022-2023 school year.

In the General Assembly read three times and ratified this the 1st day of July, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 2:06 p.m. this 8th day of July, 2022