

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**SENATE BILL 847**

Short Title: UNC Laboratory School Modifications. (Public)

Sponsors: Senators Hise and Ballard (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 27, 2020

A BILL TO BE ENTITLED

AN ACT TO MAKE MODIFICATIONS RELATED TO THE UNIVERSITY OF NORTH CAROLINA LABORATORY SCHOOLS AND TO APPROPRIATE FUNDS FOR THEIR OPERATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-239.5 is amended by adding a new subsection to read:

"(e) In addition to all other immunities provided to them by applicable State law, the Subcommittee, chancellor, the constituent institution, an advisory board, and a laboratory school, and their members, employees, and agents shall be entitled to the specific immunities provided for in Chapter 115C of the General Statutes applying to the State Board of Education, Superintendent of Public Instruction, a local board of education, a local school administrative unit, and their members and employees. Any such immunity to liability established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. Immunity established by this subsection shall be deemed to be waived to the extent of indemnification under Article 31A and Article 31B of Chapter 143 of the General Statutes and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

**SECTION 2.** G.S. 116-239.7(b) reads as rewritten:

"(b) Resolution by the Subcommittee to Approve a Laboratory School. – The Subcommittee shall adopt a resolution upon the approval of each laboratory school, which shall include the following:

- (1) Name of the laboratory school.
- (2) The local school administrative unit in which the laboratory school shall be located.
- (3) A term of operation for the laboratory school of five years from the date of initial operation. At the end of the initial five years of operation, the Subcommittee shall renew the term of operation for additional five-year periods under the resolution if the laboratory school is still located in a local school administrative unit that has twenty-five percent (25%) or more of the schools located in the unit identified as low-performing under G.S. 115C-105.37, or if the Subcommittee renews a waiver of this requirement under subsection (a2) of this section, ~~the resolution may be renewed by the Subcommittee at the end of the term for an additional five years.~~section. If the laboratory school is no longer (i) located in a qualifying local school administrative unit or (ii) meeting the purposes of this Article under a waiver at the end of five years, the Subcommittee ~~shall~~may renew the



1 term of operation for additional five-year periods under the resolution if the  
2 Subcommittee finds the school is successfully meeting its mission to improve  
3 student performance and provide valuable exposure and training for teachers  
4 and principals in the constituent institution's educator preparation program.  
5 The Subcommittee may terminate operation of any laboratory school during  
6 the initial term of operation or during a five-year renewal period if the  
7 Subcommittee finds it is failing to meet expected progress toward meeting the  
8 mission of the school consistent with the requirements of this Article. The  
9 Subcommittee shall notify the Board of Governors of the end of the term of  
10 operation of a laboratory school and request designation of additional  
11 constituent institutions with educator preparation programs to establish a  
12 laboratory school in accordance with the provisions of this Article."

13 **SECTION 3.** G.S. 116-239.8(b)(4) reads as rewritten:

14 "(4) ~~Food and transportation services.~~ Operation and Maintenance of Laboratory  
15 Schools. – The chancellor and the local school administrative unit shall do the  
16 following for the operation and maintenance of the laboratory school:

17 a. Facilities and leases. – The local school administrative unit in which  
18 the laboratory school is located shall lease adequate facilities to the  
19 constituent institution for use as a laboratory school. The lease shall  
20 include use of or access to any existing buildings, parking areas,  
21 playgrounds, driveways required for ingress and egress, furniture,  
22 classroom space, a cafeteria or multipurpose room, moveable  
23 equipment, appliances, playground materials, including a library  
24 collection, instructional materials and classroom and other technology  
25 equipment necessary to operate the laboratory school. Lease payments  
26 by the constituent institution shall not exceed one dollar (\$1.00), and  
27 the lease term shall be terminated if the laboratory school ceases  
28 operation. It is the obligation of the local school administrative unit to  
29 maintain the facilities and premises of the laboratory school, at its cost,  
30 and to keep them in good repair and tenantable condition by providing,  
31 at its cost, all routine custodial services and routine facilities  
32 maintenance services, including routine indoor maintenance, routine  
33 mowing, trimming, and maintenance of exterior landscaping and snow  
34 removal, and timely repair of the facilities and premises. The  
35 chancellor is authorized to execute the lease agreement and  
36 memoranda of agreement for the operation of a laboratory school, but  
37 in no event shall any of the agreements expand the costs to be borne  
38 by the constituent institution for the operation of a laboratory school  
39 beyond those expressly provided for in this Article.

40 b. Technology. – In the event a constituent institution provides  
41 technological upgrades to a laboratory school, the local school  
42 administrative unit may purchase a technology upgrade from the  
43 constituent institution upon the closure of the laboratory school. The  
44 local school administrative unit in which the laboratory school is  
45 located shall provide, at its cost, technology support for the  
46 PowerSchool application as provided by the State Board of Education  
47 pursuant to G.S. 115C-12(18), systems administration, service desk  
48 support, and technician support related to the operation of the  
49 laboratory school. The chancellor shall arrange for the provision of  
50 these services from the local school administrative unit.

- 1           c.     Transportation. – The local school administrative unit in which the  
 2           laboratory school is located shall ~~provide food services and provide, at~~  
 3           ~~its cost, transportation to students attending who reside in the local~~  
 4           ~~school administrative unit and attend the laboratory school.~~ school,  
 5           including any students who are homeless and require assistance  
 6           pursuant to 42 U.S.C. § 11301, et seq., the McKinney-Vento Homeless  
 7           Assistance Act. The requirement to provide transportation to students  
 8           residing in the local school administrative unit shall (i) apply  
 9           regardless of where a laboratory school student resides in the unit or  
 10           how the unit's transportation policies and practices are applied to other  
 11           students and (ii) include providing transportation of students and  
 12           personnel for laboratory school extracurricular activities and  
 13           educational trips in the same manner as other schools in the unit for  
 14           that school year. The chancellor shall arrange for the provision of these  
 15           services from the local school administrative unit.
- 16           d.     Food services. – The local school administrative unit in which the  
 17           laboratory school is located shall ~~administer~~ administer, at its cost, the  
 18           National School Lunch Program for the laboratory school in  
 19           accordance with G.S. 115C-264. The chancellor shall arrange for the  
 20           provision of these services from the local school administrative unit.
- 21           e.     Student support services. – The local school administrative unit in  
 22           which the laboratory school is located shall provide, at its cost, all  
 23           student support services for the operation of the laboratory school,  
 24           including (i) services required by the Department of Public Instruction  
 25           for children with disabilities, (ii) children and family support services,  
 26           including social worker and school nurse services, (iii) other health  
 27           services, including dental screenings, vision screenings, and similar  
 28           health services that apply to other students enrolled in the local school  
 29           administrative unit, (iv) parent involvement coordinator services, and  
 30           (v) school counselor services. The chancellor shall arrange for the  
 31           provision of these services from the local school administrative unit."

32           **SECTION 4.** G.S. 116-239.9 reads as rewritten:

33           "**§ 116-239.9. Student admissions and assignment.**

34           (a)     A child shall be eligible to attend a laboratory school if the child resides in the local  
 35           school administrative unit in which a laboratory school is located and meets at least one of the  
 36           following criteria:

- 37           (1)     Is assigned to a low-performing school, as defined by G.S. 115C-105.37 at the  
 38           time of the student's application.
- 39           (2)     Did not meet expected growth in the prior school year based on one or more  
 40           indicators listed in subsection (c1) of this section.
- 41           (3)     Is the sibling of a child who is eligible under subdivision (1) or (2) of this  
 42           subsection.
- 43           (4)     Is the child of a laboratory school employee.

44           (b)     No local board of education shall require any student enrolled in the local school  
 45           administrative unit to attend a laboratory school.

46           (c)     During each period of enrollment, the laboratory school shall enroll an eligible student  
 47           under subsection (a) of this section who submits a timely application, up to the capacity of a  
 48           program, class, grade level, or building, in the order in which applications are received. Once  
 49           enrolled, students are not required to reapply in subsequent enrollment periods. The laboratory  
 50           school may give enrollment priority to the sibling of an enrolled student who attended the  
 51           laboratory school in the prior school year.

1 (c1) For the purposes of this Article, any of the following shall serve as indicators that a  
2 student did not meet expected student growth in the prior school year: (i) grades, (ii) observations,  
3 (iii) diagnostic and formative assessments, (iv) State assessments, or (v) other factors, including  
4 reading on grade level.

5 (c2) Notwithstanding the requirements of subsection (a) of this section, if a laboratory  
6 school has not reached enrollment capacity in a program, class, grade level, or building by March  
7 1, prior to the start of the next school year, the laboratory school may enroll children who reside  
8 in the local school administrative unit in which the laboratory school is located but do not meet  
9 one of the criteria set forth in subdivisions (1) through (4) of subsection (a) of this section for up  
10 to twenty percent (20%) of the total capacity of the program, class, grade level, or building.

11 (d) Notwithstanding any law to the contrary, a laboratory school may refuse admission  
12 to any student who has been expelled or suspended from a public school under G.S. 115C-390.5  
13 through G.S. 115C-390.11 until the period of suspension or expulsion has expired.

14 (e) Within one year after a laboratory school begins operation, the laboratory school shall  
15 make reasonable efforts in the recruitment process for the population of the school to reasonably  
16 reflect the racial, ethnic, and socioeconomic composition of the general population of the students  
17 residing within the local school administrative unit in which the school is located. A laboratory  
18 school shall not unlawfully discriminate when making admissions determinations."

19 **SECTION 5.** Section 11.6(d) of S.L. 2016-94, as amended by Section 4 of S.L.  
20 2017-117, reads as rewritten:

21 "**SECTION 11.6.(d)** Notwithstanding G.S. 116-239.5, (i) at least ~~nine~~six laboratory schools  
22 shall be established pursuant to Article 29A of Chapter 116 of the General Statutes, as enacted  
23 by this section, and in operation by the beginning of the ~~2019-2020-2020-2021~~ school year and  
24 (ii) at least an additional three laboratory schools shall be established pursuant to Article 29A of  
25 Chapter 116 of the General Statutes and in operation by the beginning of the 2022-2023 school  
26 year."

27 **SECTION 6.** There is appropriated from the General Fund to the Board of Governors  
28 of The University of North Carolina the sum of eight hundred ninety-five thousand dollars  
29 (\$895,000) in nonrecurring funds for the 2020-2021 fiscal year to be allocated to constituent  
30 institutions operating laboratory schools pursuant to Article 29A of Chapter 116 of the General  
31 Statutes during the 2020-2021 school year on a pro rata basis to be used for laboratory school  
32 lease and facilities maintenance costs, technology costs, transportation services costs, food  
33 services costs, and student support services costs incurred by the laboratory schools.

34 **SECTION 7.** Section 6 of this act becomes effective July 1, 2020. The remainder of  
35 this act is effective when it becomes law. Section 1 of this act applies to an action or omission of  
36 an action occurring on or after the date this act becomes law. Section 4 of this act applies  
37 beginning with the 2020-2021 school year. Section 3 of this act applies to a memorandum of  
38 understanding entered into on or after the date this act becomes law and applies beginning with  
39 the 2021-2022 school year and subsequent school years.