



# HOUSE BILL 149: Remote & Virtual Charter/CC Pres Confirmation.

2023-2024 General Assembly

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<b>Committee:</b>	Senate Education/Higher Education.	<b>If Date:</b>	April 4, 2023
	favorable, re-refer to Rules and Operations of the Senate		
<b>Introduced by:</b>	Reps. Elmore, Hardister, Paré	<b>Prepared by:</b>	Kara McCraw and Samantha Yarborough, Staff Attorneys
<b>Analysis of:</b>	PCS to Second Edition H149-CSTC-15		

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**OVERVIEW:** *House Bill 149 would do the following:*

- *Authorize charter schools to provide remote instruction to students when approved to include a remote charter academy.*
- *Provide a one-year extension to the expiring virtual charter school pilot and provide enrollment growth in the same manner as other charter schools for the remainder of the pilot.*
- *Require the President of the North Carolina Community Colleges System to be confirmed by the General Assembly.*

**PARTS I & II:**

**CURRENT LAW:** G.S. 115C-84.3 prohibits the use of more than five days of remote instruction in a public school unit annually, with certain exceptions. Those exceptions include:

- Approved remote academies established in local school administrative units are permitted to provide instruction primarily online through a combination of synchronous and asynchronous instruction delivered to students in a remote location outside of the school facility.
- For the 2023-2024 school year, charter schools that had submitted a virtual instruction plan for the 2021-2022 school year to the Department of Public Instruction are permitted to continue to provide virtual instruction in accordance with that plan.
- Through the 2024-2025 school year, the two virtual charter schools participating in the virtual charter school pilot are permitted to provide virtual education.

**BILL ANALYSIS:**

Section 1 of House Bill 149 would authorize, as part of an initial application or modification of an existing charter, a nonprofit to apply to the State Board of Education (SBE) for approval of a remote charter academy that meets certain requirements. A charter with an approved remote charter academy would be authorized to provide remote instruction to all enrolled students, as a hybrid instruction model, or in separate programs for remote and in-person instruction. Remote charter academies would provide instruction primary online to students in a remote location both synchronously and asynchronously. Remote academies could include any combination of grade levels.

Eligibility: Remote charter academies could either admit students from anywhere in the State (statewide remote charter academy) or students from the county where the charter is located and contiguous counties (regional remote charter academy). Students would be required to have parental consent to attend a remote charter academy, and parents would receive information on successful characteristics for remote learning. Students could not be denied admission solely on the basis of being a child with a disability. Students could be

Jeffrey Hudson  
Director



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reassigned to in-person instruction offered by the charter school if it is determined that would be better for the child's academic progress.

Requirements: Remote charter academies would be required to meet the same requirements as other charter schools, as well as the following:

- Remote charter academies would be required to provide enrolled students with access to the needed hardware, software, learning management platform, internet access, technical support, and any accommodations required by a student's individualized education program. Remote charter academies could not charge any rental fees. Damage fees could be charged under rules adopted by the SBE.
- Remote charter academies could require students to attend in-person or proctored assessments for State-mandated student assessments or to fulfill graduation requirements identified by the academy. Optional in-person meetings between students and instructors or parents and instructors would also be allowed at charter school facilities.
- Each approved remote charter academy would have a school code. Employees would meet the same standards as required for other charters. Sufficient digital teaching and learning support staff would be required.

Approval Process: As part of the charter application or charter modification, a nonprofit would be required to submit a plan to the SBE for approval that would include the following:

- Whether the remote charter academy would be statewide or regional.
- The range of grades for which the remote charter academy would offer courses.
- How the remote charter academy would monitor enrollment, course credit accrual, progress toward graduation, and course completion.
- Hardware, software, and other infrastructure that would support online learning.
- The measures that would be used to ensure both synchronous and asynchronous instruction support learning growth through a mastery of student achievement goals for the charter's educational program.
- The professional development that would be provided to those teaching in the remote charter academy related to the pedagogy of providing remote instruction.
- The identified characteristic for successful remote learning and criteria for admission.
- Any school nutrition services or transportation services that will be provided to students.

The SBE would be required to approve a charter or charter modification that met these requirements for a renewable term of five years. The SBE would be required to approve a minimum of two qualified statewide remote charter academies to operate beginning with the 2026-2027 school year.

Evaluation: The SBE would be required to evaluate the success of remote charter academies based on school performance scores and grades, retention rates, attendance rates, and for grades 9-12, high school completion and dropout rates. The SBE would 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.

Technical changes would also divide Article 14A into subject-specific Parts.

Section 2 of HB 149 would extend the current virtual charter school pilot through the 2025-2026 school year. Participating pilot schools would be allowed to enroll the authorized number of students from the 2021-2022 school year plus enrollment growth of up to 20% for the 2023-2024 school year. For the remaining two years of the pilot, the pilot schools would be eligible for enrollment growth in the same manner as other charter schools. Pilot schools would be eligible to apply for charter renewal as a remote charter academy at the conclusion of the pilot.

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## **PART III:**

**CURRENT LAW:** G.S. 115D-3 grants the State Board of Community Colleges (State Board) the authority to elect a President of the North Carolina Community Colleges System (President) to serve as the chief administrative officer of the Community Colleges System Office. The President's compensation is fixed by the State Board from funds appropriated by the General Assembly.

**BILL ANALYSIS:** Section 3 would require the State Board to use the following process to elect a President: (i) submit at least 3 final candidates to the full State Board for election and (ii) conduct a vote with the candidate who receives a majority of the votes of the full State Board elected President.

Section 3 also makes the President subject to confirmation by the General Assembly. Within 15 days of the election, the State Board would be required to submit the name of the person elected to the presiding officers of the Senate and the House of Representatives. The General Assembly would confirm or deny confirmation by joint resolution. The person elected would be authorized to serve as interim-President until action is taken by the General Assembly. If the General Assembly fails to adopt a joint resolution by the 30th legislative day following receipt of the name, it would be deemed that the General Assembly denied confirmation. Any person denied confirmation would be prohibited from serving as President or interim-President.

**EFFECTIVE DATE:** HB 149 would become effective when it becomes law. Section 1 of HB 149 would apply to applications for new charters and charter modifications beginning with the 2023-2024 school year.