

AN ACT TO ESTABLISH OPEN ENROLLMENT FOR PUBLIC SCHOOL STUDENTS IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. TITLE.

This act shall be known and may be cited as the “North Carolina Open Enrollment Act.”

SECTION 2. PURPOSE.

The purpose of this act is to provide parents and legal guardians with greater educational choice within the public-school unit in which a student is domiciled and to permit students to attend any public school within North Carolina, subject to available capacity and consistent with nondiscriminatory enrollment procedures.

SECTION 3. DEFINITIONS.

For purposes of this act, the following definitions apply:

1. **“School”** means a public school operated or authorized by a local school administrative unit or other public educational agency providing elementary or secondary education in accordance with state law.
2. **“Parent”** means a natural parent, adoptive parent, or legal guardian of a dependent child.
3. **“Capacity”** means the maximum student enrollment a school may reasonably accommodate as determined pursuant to standards established by the North Carolina Department of Public Instruction.
4. **“Local school administrative unit”** or **“school district”** means a public-school unit established pursuant to Chapter 115C of the General Statutes.
5. Within-district open enrollment allows students to attend any school within the child’s assigned school district, assuming capacity is available.
6. Cross-district open enrollment allows students to attend any school outside of the child’s assigned school district, assuming capacity is available.

SECTION 4. ESTABLISHMENT OF OPEN ENROLLMENT PROGRAM.

(a) The North Carolina Department of Public Instruction shall establish and coordinate a statewide cross-district and within-district open enrollment program.

(b) The program shall permit a student residing within a local school administrative unit to attend any public school within in the same unit or another school district subject to available capacity.

(c) Each local school administrative unit shall adopt and implement policies consistent with this act.

SECTION 5. DETERMINATION OF CAPACITY.

(a) The North Carolina Department of Public Instruction along with representatives of school boards shall establish a uniform statewide definition and methodology for determining school capacity.

(b) In establishing capacity standards, the Department shall consider, at a minimum, all the following:

1. Building capacity.
2. Classroom size.
3. Staffing levels.
4. Program capacity.
5. Grade-level enrollment limits.

(c) The Department shall ensure the integrity and standardization of all capacity determinations.

SECTION 6. LOCAL OPEN ENROLLMENT POLICIES.

(a) Each local school administrative unit shall adopt an open enrollment policy permitting students to attend any public school within a local school unit or another school unit where capacity is available.

(b) Each local board of education shall develop and approve an open enrollment application for parents or guardians seeking transfer of a student to another school within the same or another school district.

(c) The application shall include all the following:

1. Directions for submission.
2. Applicable deadlines.
3. Notification procedures.

4. Grounds for denial.

5. Information regarding appeals.

(d) Open enrollment applications shall be accepted for both the fall and spring academic semesters.

(e) Application deadlines shall be as follows:

1. February 1 for the fall semester.

2. July 1 for the spring semester.

(f) Applicants shall receive notification of acceptance or denial no later than three weeks after submission of the application.

SECTION 7. NONDISCRIMINATION.

(a) Local school administrative units shall adopt policies governing within-district and cross-district transfers that prohibit discrimination based on any of the following:

1. Residential address.

2. Academic ability.

3. Disability.

4. Race or ethnicity.

5. Sex.

6. Socioeconomic status.

(b) Each local school administrative unit shall publish its open enrollment policies and procedures on its publicly accessible website.

SECTION 8. ACCEPTANCE AND DENIAL OF APPLICATIONS.

(a) A student applying for transfer pursuant to this act shall be accepted if the receiving school has available capacity.

(b) A student may be denied admission only for reasons expressly identified in the application and adopted policy, including any of the following:

1. Chronic absenteeism.

2. Serious disciplinary infractions.

3. Suspension or expulsion.

4. Lack of available capacity.

(c) A local school administrative unit shall provide written notice stating the reason for any denial.

(d) No application fee or tuition shall be charged for participation in the open enrollment program.

SECTION 9. LOTTERY PROCESS.

(a) If the number of applicants exceeds the number of available seats for any within-district or cross-district school, the local school administrative unit shall conduct a random lottery process.

(b) A local school administrative unit may grant enrollment preference to siblings of students already enrolled at the receiving school through the open enrollment process.

SECTION 10. CONTINUED ENROLLMENT.

(a) A student accepted through open enrollment shall not be required to reapply annually.

(b) The parent or guardian shall provide notice of intent to continue enrollment in accordance with timelines established by the local school administrative unit.

(c) Once enrolled in the same school for two consecutive school years, a student may remain enrolled through the highest grade level offered by that school unless the student's enrollment is revoked for reasons authorized under this act.

SECTION 11. DESEGREGATION ORDERS.

Nothing in this act shall be construed to supersede or conflict with any desegregation order, plan, or agreement approved by a state or federal court or by the United States Department of Education. A local school administrative unit subject to such order or plan may limit transfers as necessary to maintain compliance.

SECTION 12. TRANSPORTATION.

Parents or legal guardians of students attending a school other than the assigned school within the district or attending a school in another district shall be responsible for transportation to and from the receiving school or to an established bus stop designated by the local school administrative unit.

SECTION 13. APPEALS PROCESS.

(a) Each local school administrative unit shall establish an appeals process for denied applications for both cross-district and within-district transfers.

(b) Written notice of denial shall include information regarding the procedures and deadlines for appeal.

(c) Appeals may be decided by the local superintendent, a designee of the local board of education, or an independent third party designated by the local board.

(d) Decisions rendered through the appeals process shall be final.

SECTION 14. FUNDING AND ACCOUNTABILITY.

(a) For purposes of state and federal funding and accountability, students enrolled pursuant to this act shall be included in the average daily membership and enrollment counts of the receiving school for both cross-district and within-district transfers.

(b) Such students shall be included in all applicable enrollment, reporting, and academic performance calculations of the receiving school.

SECTION 15. PUBLIC INFORMATION REQUIREMENTS.

(a) Each local school administrative unit shall publish on its website information sufficient to permit informed enrollment decisions by parents and guardians.

(b) The information shall include all the following:

1. The number of within-district transfer and cross-district students that each school has the capacity to accept at each grade level.
2. A summary of open enrollment policies and procedures.
3. Application procedures and deadlines.
4. Student selection procedures.
5. Eligibility requirements for participation in extracurricular and school activities.
6. The responsibility of parents to provide transportation and the availability of any transportation services.
7. The duration of open enrollment periods.

SECTION 16. ANNUAL REPORTING REQUIREMENTS.

(a) Each local school administrative unit shall submit an annual report to the North Carolina Department of Public Instruction no later than June 30 of each year.

(b) The report shall include all the following:

1. The number of available seats at each school by grade level.

2. The number of accepted applications during the preceding school year for both cross-district and within-district programs.
3. The number of denied applications during the preceding school year for both programs and the reasons for denial.
4. The names and contact information of personnel responsible for responding to questions regarding open enrollment.

(c) The Department shall annually publish statewide data regarding cross-district and within-district open enrollment, including approvals, denials, and reasons for denial, on its public website.

SECTION 17. EFFECTIVE DATE.

This act becomes effective on _____ and applies beginning with the _____ school year.