

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 999
SENATE BILL 732

AN ACT TO ESTABLISH THE PROJECT GENESIS PROGRAM, AN EXPERIMENT WITH A RESTRUCTURED SCHOOL APPROACH FOR THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

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

"Part 6. Project Genesis Program.

"§ 115C-238.22. Creation of program; purpose.

(a) The State Board of Education shall permit Gaston and Johnston County school administrative units to establish Project Genesis Pilot Programs.

(b) The purpose of the pilot program shall be to enable up to two schools in each participating local school administrative unit to experiment with a restructured school approach that would combine the concepts of flexibility, competitive bidding on the management of schools, and accountability. Participating local school administrative units shall have two years to (i) determine the feasibility of the project, (ii) secure private funding for any additional funds required for the project, (iii) lay the groundwork for the project, and (iv) if they decide to proceed with the project, begin experimentation in not more than two schools per local school administrative unit.

"§ 115C-238.23. Implementation by local school boards.

If a school administrative unit decides to proceed with the project the following procedures shall be followed:

(a) The local board in a participating local school administrative unit shall select a school building that is under construction as its first school under the project.

(b) The local board shall issue a request for proposals for leadership teams to bid to operate the selected school. A team shall mean three or more individuals. To reflect the diversity required to implement the purpose of the project defined in G.S. 115C-238.22, the abilities and experience of team members may include: administrative and educational policy and planning skills; familiarity with technology for schools; management and classroom experience; and familiarity with the needs of diverse and special populations. One member shall be designated as the principal or leader of the team. At least twenty-five percent (25%) of the team members shall be certificated in accordance with the regulations of the State Board of Education or G.S. 115C-238.6.

Team members awarded the contract shall, if not already, become employees of the local board and become subject to local personnel policies.

(c) The request for proposals shall include the following minimum requirements:

- (1) A statement of principles that the local board wants the bidding teams to address;
- (2) A specified amount of money available for the operation of the building, which amount shall be within the limits of funds available for the size of school being opened for bid;
- (3) A framework for accountability plans by which the success of the project site can be measured, which accountability plans shall include the student performance indicators adopted by the State Board of Education pursuant to G.S. 115C-238.1(3), and shall include factors such as student, parent, and employee satisfaction, parental involvement, community service, and evidence of a focus on developing thinking and reasoning skills;
- (4) The student population of a Genesis school shall be representative of its local school administrative unit, shall be racially balanced, and students shall be assigned on a geographic basis;
- (5) The mission of the school shall not establish religion nor prohibit the free exercise thereof insofar as that is permitted in a public school by the North Carolina and United States Constitutions; and
- (6) Bidding teams shall address how the criteria listed in G.S. 115C-81(b) will be met or varied by the Genesis program.

The local board may include other requirements in the request for proposals.

(d) The local board shall secure private funding for any additional non-State and nonlocal funds required for the project before awarding a contract to a team to operate the selected school.

(e) The local board shall appoint an advisory committee composed of educators, elected officials, parents of children enrolled in the local school administrative unit, and community leaders from within and without the local school administrative unit to screen proposals for the school building and to make recommendations to the local board of education on the proposals.

The local board shall consider the recommendations of the advisory committee and shall award the contract. All contract negotiations and the award of the contract shall be conducted in open session notwithstanding G.S. 143-318.11(a)(9). The contract shall be for a term not to exceed four years. It may be terminated by the local board at any time for any reason it deems sufficient; it may be terminated by the team for any reason it deems sufficient, but only at the end of a school year and only with 60 days' written notice to the local board of education.

(f) The team that receives the contract shall interview and select all personnel for the building. The team may select personnel from the current employees of the local board. All teachers employed in a Genesis school shall hold or be qualified to hold a certificate in accordance with the regulations of the State Board of Education or G.S. 115C-238.6. The local board shall hire those persons selected by the team so long as those positions are within State, local, and other funds approved for this project by the local board. In no event shall a local board dismiss or demote any employee pursuant to G.S. 115C-325(e)(1)l. as a result of a Genesis project.

Hiring shall take place no later than July 1, prior to the opening of the new building. The team shall begin conducting training and planning sessions as staff is hired.

The local board or the management team may employ noncertificated persons on a temporary basis or for special projects.

(g) The participating school building team shall initiate a comprehensive accountability program immediately. The results shall be published annually and compared to those of traditional schools.

(h) After the third and fourth years of the project, the local board shall review student outcome results of the existing project site. After the fourth year of the project the local board may decide whether to continue the project in the first school and whether an additional building within the school system shall be added to the project. If the board decides to expand the project to a second school the procedures outlined in this section shall be followed.

The second school chosen for the project shall be an existing school that is producing below average results in student achievement as compared to other schools in the unit. Criteria which may be considered to evaluate student achievement may include: test scores, the success of graduating students, attendance, graduation and dropout rates, the numbers of children enrolled in free lunch or Chapter 1 programs, the education level of the parents of children enrolled in the school, the teaching experience of the school staff, and whether the building has been successful in meeting the goals of the systemwide plan developed in accordance with G.S. 115C-238.1 through G.S. 115C-238.6.

"§ 115C-238.24. Grants of flexibility by the State Board.

In implementing local projects, local boards need broad decision-making authority so that local boards and participating school leadership teams can carry out the activities that meet the needs of students in that particular building. Each participating local school administrative unit may request from the State Board of Education, with specificity, those aspects of its project implementation that would be enhanced by flexibility with regard to statutes, policies, and regulations. Upon the recommendation of the State Superintendent, the State Board of Education may grant each local school administrative unit such flexibility with regard to Chapter 115C of the General Statutes, and its policies, and regulations, including the waivers allowed under G.S. 115C-238.6(a)(1) and (a)(2), as it finds necessary and appropriate to implement a local project so long as (i) the total amount of State funds expended for the project does not exceed the amount of State funds available for a school with that average daily membership; (ii) no health or safety standards relating to schools or school transportation are lowered; (iii) the State Board of Education does not find as a fact that the flexibility is being abused; (iv) the provisions of G.S. 115C-325 shall not be waived for any certificated teacher working in a Genesis school; and (v) the standard course of study is included in the education program offered to every child in the Genesis school.

Article 2A of Chapter 150B of the General Statutes shall not apply to actions by the State Board of Education when waiving its rules under this subsection.

The State Board of Education shall report annually waivers granted with regard to statutes, policies, and regulations to the Joint Legislative Education Oversight Committee.

"§ 115C-238.25. Reporting requirements; evaluation.

(a) Each participating local school administrative unit shall submit an annual report one year after the local school administrative unit has awarded a contract, and every year thereafter, to the General Assembly, the Joint Legislative Education Oversight Committee, the Superintendent of Public Instruction, and the State Board of Education. The report shall include a comprehensive financial accounting itemizing the amount of and uses of all public and private funds expended for the Genesis school, and all services, equipment, and other resources donated to the school, a description of any accountability plans implemented pursuant to G.S. 115C-238.23(c)(3), and a description of the student achievement resulting from the implementation of those accountability plans.

(b) The State Board of Education shall conduct an independent evaluation of each Genesis school and the overall project. The State Board of Education shall report the results of the evaluation to the General Assembly and the Joint Legislative Education Oversight Committee as soon as possible but no later than January 15, 1998."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives