

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 793

Short Title: Public School Open Enrollment. (Public)

Sponsors: Representatives Bradford and Chesser (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED

AN ACT TO ALLOW STUDENTS TO ATTEND ANY SCHOOL WITHIN THE LOCAL
SCHOOL ADMINISTRATIVE UNIT IN WHICH THE STUDENT IS DOMICILED.

The General Assembly of North Carolina enacts:

SECTION 1. Article 25 of Chapter 115C of the General Statutes is amended by
adding new sections to read:

"§ 115C-366.5. Open enrollment.

(a) Subject to the provisions of this section, a parent or guardian of a student who is domiciled in this State may request that the student be enrolled in a local school administrative unit other than the local school administrative unit that the student would have been enrolled in based on domicile under G.S. 115C-366.

(b) Each local board of education shall adopt an open enrollment plan to allow for the enrollment of students not domiciled within the assignment area of the local school administrative unit and shall make the plan available on its website. The plan shall include provisions that address, at a minimum, the following policies and procedures:

(1) An application process for the open enrollment program.

(2) A process that allows parents to declare school preferences.

(3) A lottery procedure to be used if there are more applicants than a local school administrative unit has capacity to accept.

(4) The availability of transportation.

(c) If a student has been registered at a school pursuant to the provisions of this section, that student shall be allowed to continue to attend that school without being required to apply to the open enrollment program again in subsequent years, unless the child is voluntarily unenrolled from the school.

(d) A local school administrative unit shall determine and publish on its website the capacity of each grade-level to enroll a student who is not a domiciliary of a local school administrative unit by the first day of each month. If the local school administrative unit determines there is no capacity in a grade-level, then the local school administrative unit shall maintain a wait list of non-domiciliary students whose parent or legal guardian has completed the required forms and documentation, and shall regularly inform the parent or legal guardian of their position on the wait list.

(e) A local board of education shall not be required to do any of the following in implementing an open enrollment plan under this section:

(1) Establish or offer any particular program in a school if the program is not currently offered in the school.



1 (2) Alter or waive any established eligibility criteria for participation in a
2 particular school, including course prerequisites and required levels of
3 performance.

4 (f) A local school administrative unit may deny an enrollment request of a student that is
5 not domiciled in the assignment area of local school administrative unit for any of the following
6 reasons:

7 (1) The school requested does not offer appropriate programs or is not structured
8 or equipped with the necessary facilities to meet the special needs of the
9 student.

10 (2) The student does not meet the established eligibility criteria for enrollment at
11 the school, including course prerequisites and required levels of performance.

12 (3) A desegregation plan is in effect for the local school administrative unit, and
13 denial of the request is necessary to enable compliance with the plan.

14 (4) The student has been suspended or expelled from a public school under
15 G.S. 115C-390.5 through G.S. 115C-390.11 until the period of suspension or
16 expulsion has expired.

17 (e) A student may appeal a denied enrollment request or a revocation of an approved
18 enrollment request under the following procedure:

19 (1) Within 60 days of receiving the denial or revocation, the student requests an
20 administrative review by the local board of education of the local school
21 administrative unit that issued the denial or revocation.

22 (2) The local board of education shall consider the appeal at its next scheduled
23 meeting and issue a decision on the appeal in writing.

24 (3) Within 90 days of receiving the written decision by the local board of
25 education, a student may appeal the decision of the local board by submitting
26 a request to the State Board of Education.

27 (4) The State Board of Education shall consider the appeal at its next scheduled
28 meeting, where the student, the student's parent or guardian, and a
29 representative from the local school administrative unit that issued the denial
30 or revocation may address the Board."

31 **SECTION 2.** The State Board of Education shall adopt rules to establish the appeals
32 process authorized by this act.

33 **SECTION 3.** This act is effective when it becomes law and applies beginning with
34 the registration period for the 2024-2025 school year.