

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30381-NH-172

Short Title: LSAU Open Enrollment.

(Public)

Sponsors: Representative Schietzelt.

Referred to:

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.(a) G.S. 115C-366 reads as rewritten:
"§ 115C-366. Assignment of student to a particular school.

(a) All students under the age of 21 years who are domiciled in a school administrative unit who have not been removed from school for cause, or who have not obtained a high school diploma, are entitled to all the privileges and advantages of the public schools to which they are assigned or accepted by the local boards of education. The assignment of students living in one local school administrative unit or district to a school located in another local school administrative unit or district, shall have no effect upon the right of the local school administrative unit or district to which the students are assigned to levy and collect any supplemental tax heretofore or hereafter voted in that local school administrative unit or district.

...

(b) ~~Each~~ Subject to the requirements of G.S. 115C-366.5, each local board of education shall assign to a public school each student qualified for assignment under this section. Except as otherwise provided by law, the authority of each board of education in the matter of assignment of children to the public schools shall be full and complete, and its decision as to the assignment of any child to any school shall be final.

...."

SECTION 1.(b) Article 25 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-366.5. Open enrollment.

(a) Subject to the provisions of this section, a parent or guardian of a student may request that the student be enrolled in any school within the local school administrative unit in which the parent is considered domiciled in pursuant to G.S. 115C-366.

(b) Each local board of education shall adopt an open enrollment plan to allow for students to apply to attend a school within the same local school administrative unit other than the school of the assignment area in which the student is domiciled. The board 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. Local boards of education are only required to accept applications for alternate enrollment during enrollment periods and are only required to have two enrollment



- 1 periods per year, one at the beginning of the school year and one
2 approximately halfway through the school year.
- 3 (2) A process that allows parents to declare school preferences.
4 (3) A lottery procedure to be used if there are more applicants than a school has
5 capacity to accept.
6 (4) The availability of transportation.
- 7 (c) If a student has been registered at a school pursuant to the provisions of this section,
8 that student shall be allowed to continue to attend that school without being required to apply to
9 the open enrollment program again in subsequent years, unless the child is voluntarily unenrolled
10 from the school.
- 11 (d) A local school administrative unit shall determine and publish on its website the
12 capacity of each grade-level at each school to enroll additional students by the first day of each
13 month. If the local school administrative unit determines there is no capacity in a grade-level,
14 then the local school administrative unit shall maintain a waitlist of students that have completed
15 an application to attend each school and shall regularly inform the parent or legal guardian of the
16 student's position on the waitlist.
- 17 (e) A local board of education shall not be required to do any of the following in
18 implementing an open enrollment plan under this section:
- 19 (1) Establish or offer any particular program in a school if the program is not
20 currently offered in the school.
21 (2) Alter or waive any established eligibility criteria for participation in a
22 particular school, including course prerequisites and required levels of
23 performance.
- 24 (f) A local school administrative unit may deny an enrollment request of a student that is
25 not domiciled in the assignment area of certain school for any of the following reasons:
- 26 (1) The school requested does not offer appropriate programs or is not structured
27 or equipped with the necessary facilities to meet the special needs of the
28 student.
29 (2) The student does not meet the established eligibility criteria for enrollment at
30 the school, including course prerequisites and required levels of performance.
31 (3) A desegregation plan is in effect for the local school administrative unit, and
32 denial of the request is necessary to enable compliance with the plan.
33 (4) The student has been suspended or expelled from a public school under
34 G.S. 115C-390.5 through G.S. 115C-390.11 until the period of suspension or
35 expulsion has expired.
- 36 (g) A student may appeal a denied enrollment request or a revocation of an approved
37 enrollment request under the following procedure:
- 38 (1) Within 60 days of receiving the denial or revocation, the student or parent or
39 legal guardian of a student requests an administrative review by the local
40 board of education of the local school administrative unit that issued the denial
41 or revocation.
42 (2) The local board of education shall consider the appeal at its next scheduled
43 meeting and issue a decision on the appeal in writing.
44 (3) Within 90 days of receiving the written decision by the local board of
45 education, a student or parent or legal guardian of a student may appeal the
46 decision of the local board by submitting a request to the State Board of
47 Education.
48 (4) The State Board of Education shall consider the appeal at its next scheduled
49 meeting, where the student, the student's parent or legal guardian, and a
50 representative from the local school administrative unit that issued the denial
51 or revocation may address the Board."

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

3 **SECTION 3.** This act is effective when it becomes law and applies beginning with
4 the registration period for the 2025-2026 school year.