

§ 116-239.11. State and local funds.

- (a) The State Board of Education shall allocate to a laboratory school the following:
- (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the school is located for each child attending the laboratory school, except for the allocation for children with disabilities and for the allocation for children with limited English proficiency.
 - (2) An additional amount for each child attending the laboratory school who is a child with disabilities. In the event a child with disabilities leaves the laboratory school and enrolls in a public school during the first 60 school days in the school year, the laboratory school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with disabilities enrolls in the laboratory school during the first 60 school days in the school year, the State Board shall allocate to the laboratory school the pro rata amount of additional funds for children with disabilities.
 - (3) An additional amount for children with limited English proficiency attending the laboratory school, based on a formula adopted by the State Board.
- (b) The State Board shall allow for annual adjustments to the amount allocated to the laboratory school based on its enrollment growth in school years subsequent to the initial year of operation.
- (c) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for laboratory schools and may be used for payments on loans made to laboratory schools for facilities, equipment, or operations. However, State funds allocated under this section shall not be used to obtain any other interest in real property or mobile classroom units.
- (d) If a student attends a laboratory school, the local school administrative unit in which the child resides shall transfer to the laboratory school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the laboratory school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and laboratory school may use the process for mediation of differences provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a laboratory school located in the tax district for which these taxes are levied and in which the student resides.
- (e) The local school administrative unit shall also provide each laboratory school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (d) of this section:
- (1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).
 - (2) The student membership numbers used to calculate the per pupil share of the local current expense fund.
 - (3) How the per pupil share of the local current expense fund was calculated.
 - (4) Any additional records requested by a laboratory school from the local school administrative unit in order for the laboratory school to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

(f) Prior to commencing an action under subsection (d) of this section, the complaining party shall give the other party 15 days' written notice of the alleged violation. The court shall award the prevailing party reasonable attorneys' fees and costs incurred in an action under subsection (d) of this section. The court shall order any delinquent funds, costs, fees, and interest to be paid in equal monthly installments and shall establish a time for payment in full that shall be no later than one year from the entry of any judgment.

(g) A laboratory school may request appropriations directly from a city, as authorized by G.S. 160A-700. (2016-94, s. 11.6(a); 2016-123, s. 4.5; 2017-117, s. 1; 2018-5, s. 38.8(h); 2020-56, s. 2(e).)