

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 359
Education/Higher Education Committee Substitute Adopted 4/17/03

Short Title: LEA's Authority to Operate Charter School.

(Local)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE FORSYTH COUNTY BOARD OF EDUCATION TO
2 APPLY FOR AND BE GRANTED A CHARTER TO OPERATE A CHARTER
3 SCHOOL.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-238.29B(a) reads as rewritten:

7 "(a) Any person, group of persons, or nonprofit ~~corporation~~ corporation, including
8 a local board of education, seeking to establish a charter school may apply to establish a
9 charter school. If the applicant seeks to convert a public school to a charter school, the
10 application shall include a statement signed by a majority of the teachers and
11 instructional support personnel currently employed at the school indicating that they
12 favor the conversion and evidence that a significant number of parents of children
13 enrolled in the school favor conversion."

14 **SECTION 2.** G.S. 115C-238.29E reads as rewritten:

15 "**§ 115C-238.29E. Charter school operation.**

16 (a) A charter school that is approved by the State shall be a public school within
17 the local school administrative unit in which it is located. It shall be accountable to the
18 local board of education if it applied for and received preliminary approval from that
19 local board for purposes of ensuring compliance with applicable laws and the provisions
20 of its ~~charter~~ charter or if the local board of education was the applicant for the charter.
21 All other charter schools shall be accountable to the State Board for ensuring
22 compliance with applicable laws and the provisions of their charters, except that any of
23 these charter schools may agree to be accountable to the local board of the school
24 administrative unit in which the charter school is located rather than to the State Board.

25 (b) A charter school shall be operated by a private nonprofit corporation that
26 shall have received federal tax-exempt status no later than 24 months following final
27 approval of the ~~application~~ application unless a local board of education applied for and
28 was granted a charter for the conversion of an existing public school or for the creation

1 of a new charter school. In such a case, a charter school shall be operated by the local
2 board of education or by a board of directors appointed by the local board of education.

3 (c) A charter school shall operate under the written charter signed by the entity to
4 which it is accountable under subsection (a) of this section and the applicant. A charter
5 school is not required to enter into any other contract. The charter shall incorporate the
6 information provided in the application, as modified during the charter approval
7 process, and any terms and conditions imposed on the charter school by the State Board
8 of Education. No other terms may be imposed on the charter school as a condition for
9 receipt of local funds.

10 (d) The board of directors of the charter school shall decide matters related to the
11 operation of the school, including budgeting, curriculum, and operating procedures.

12 (e) A charter school's specific location shall not be prescribed or limited by a
13 local board or other authority except a zoning ~~authority~~ authority unless the local board
14 of education applied for and was granted the charter for the conversion of a public
15 school or the creation of a new charter school. The school may lease space from a local
16 board of education or as is otherwise lawful in the local school administrative unit in
17 which the charter school is located. If a charter school leases space from a sectarian
18 organization, the charter school classes and students shall be physically separated from
19 any parochial students, and there shall be no religious artifacts, symbols, iconography,
20 or materials on display in the charter school's entrance, classrooms, or hallways.
21 Furthermore, if a charter school leases space from a sectarian organization, the charter
22 school shall not use the name of that organization in the name of the charter school.

23 At the request of the charter school, the local board of education of the local school
24 administrative unit in which the charter school will be located shall lease any available
25 building or land to the charter school unless the board demonstrates that the lease is not
26 economically or practically feasible or that the local board does not have adequate
27 classroom space to meet its enrollment needs. Notwithstanding any other law, a local
28 board of education may provide a school facility to a charter school free of charge;
29 however, the charter school is responsible for the maintenance of and insurance for the
30 school facility.

31 (f) Except as provided in this Part and pursuant to the provisions of its charter, a
32 charter school is exempt from statutes and rules applicable to a local board of education
33 or local school administrative unit."

34 **SECTION 3.** This act applies only to the Winston-Salem/Forsyth School
35 System.

36 **SECTION 4.** This act is effective when it becomes law.