

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 856
Committee Substitute Favorable 4/14/09

Short Title: Modify Charter School Law.

(Public)

Sponsors:

Referred to:

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS AND TO
IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON
CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29D(b) reads as rewritten:

"(b) The State Board shall authorize no more than five charter schools per year in one local school administrative unit. The State Board shall authorize no more than ~~100~~106 charter schools statewide. If more than five charter schools in one local school administrative unit or more than ~~100~~106 schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located. The State Board shall also give priority to applications for schools that will be located within local school administrative units that have no charter schools."

SECTION 2. G.S. 115C-238.29C is amended by adding a new subsection to read:

"(a1) The chartering entity shall continuously evaluate its process for reviewing applications in an effort to identify the characteristics of charter school founding members, boards, and academic programs that are predictive of later success of charter schools."

SECTION 3. G.S. 115C-238.29G reads as rewritten:

"§ 115C-238.29G. Causes for nonrenewal or termination; disputes.

(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a charter upon any of the following grounds:

(1) Failure to meet the requirements for student performance contained in the charter;

(1a) Failure to meet the standards for academic growth and academic performance developed by the State Board of Education in accordance with subsection (a1) of this section;

(2) Failure to meet generally accepted standards of fiscal management;

(3) Violations of law;

(4) Material violation of any of the conditions, standards, or procedures set forth in the charter;

(5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or

(6) Other good cause identified.

(a1) The State Board of Education shall develop a diagnostic process of oversight to enable a timely response to inadequate performance by a school. Under this process, a school



1 that demonstrates low growth in student performance and low student performance shall be
2 reviewed, and the results of the review shall determine subsequent action relative to the school.
3 By the end of the second year of operation, the minimum standard for academic growth for a
4 charter school shall be a year's growth in individual student performance in a school year.

5 If the State Board of Education finds that a charter school has failed to meet its projected
6 levels of improvement in student performance or had low levels of student performance for two
7 consecutive years, the State Board may terminate or fail to renew that charter at the end of the
8 school year in which that finding is made.

9"

10 **SECTION 4.** G.S. 115C-238.29F(g)(5) reads as rewritten:

11 "**§ 115C-238.29F. General requirements.**

12 ...

13 (g) Admission Requirements. –

14 ...

15 (5) A charter school shall not discriminate against any student on the basis of
16 ethnicity, national origin, gender, or disability. Except as otherwise provided
17 by law or the mission of the school as set out in the charter, the school shall
18 not limit admission to students on the basis of ~~intellectual ability~~, measures
19 of achievement or aptitude, athletic ability, disability, race, creed, gender,
20 national origin, religion, or ancestry. The charter school may give enrollment
21 priority to siblings of currently enrolled students who were admitted to the
22 charter school in a previous ~~year-year~~, to the twin or other multiples of a
23 student admitted to the school for the upcoming year, and to children of the
24 school's principal, teachers, and teacher assistants. In addition, and only for
25 its first year of operation, the charter school may give enrollment priority to
26 children of the initial members of the charter school's board of directors, so
27 long as (i) these children are limited to no more than ten percent (10%) of
28 the school's total enrollment or to 20 students, whichever is less, and (ii) the
29 charter school is not a former public or private school. ~~Within one year after~~
30 ~~the charter school begins operation, the population of the school shall~~
31 ~~reasonably reflect~~ Each year, the school shall make a good-faith effort to
32 ensure that the applicant pool for admission to the school reasonably reflects
33 the racial and ethnic composition of the general population residing within
34 the local school administrative unit in which the school is located or the
35 racial and ethnic composition of the special population that the school seeks
36 to serve residing within the local school administrative unit in which the
37 school is located. The school shall be subject to any court-ordered
38 desegregation plan in effect for the local school administrative unit.

39 (6) During each period of enrollment, the charter school shall enroll an eligible
40 student who submits a timely application, unless the number of applications
41 exceeds the capacity of a program, class, grade level, or building. In this
42 case, students shall be accepted by lot. Once enrolled, students are not
43 required to reapply in subsequent enrollment periods."

44 **SECTION 5.** This act becomes effective July 1, 2009.