

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**SENATE BILL 793\***

Short Title: Charter School Modifications. (Public)

Sponsors: Senators Tillman, Cook (Primary Sponsors); and Newton.

Referred to: Education/Higher Education.

May 20, 2014

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PROCESS FOR REVIEW OF CHARTER APPLICATIONS BY THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD, TO RAISE THE APPLICATION FEE FOR CHARTER APPLICATIONS, TO REQUIRE ADOPTION OF RULES FOR THE CHARTER APPLICATION PROCESS, TO CLARIFY THE APPEALS PROCESS FOR DENIALS OF CHARTER APPLICATIONS, AND TO MAKE CHARTER SCHOOLS SUBJECT TO REQUIREMENTS OF THE OPEN MEETINGS AND PUBLIC RECORDS LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

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

"(b) North Carolina Charter Schools Advisory Board. –

(1) Advisory Board. – There is created the North Carolina Charter Schools Advisory Board, hereinafter referred to in this Part as the Advisory Board. The Advisory Board shall be located administratively within the Department of Public Instruction and shall report to the State Board of Education.

(10) Powers and duties. – The Advisory Board shall have the following duties:

- a. To make recommendations to the State Board of Education on the adoption of rules regarding all aspects of charter school operation, including time lines, standards, and criteria for acceptance and approval of applications, monitoring of charter schools, and grounds for revocation of charters.
- b. To review applications and make recommendations to the State Board for final approval of charter applications.
- c. To make recommendations to the State Board on actions regarding a charter school, including renewals of charters, nonrenewals of charters, and revocations of charters.
- d. To undertake any other duties and responsibilities as assigned by the State Board.

(11) Application review and recommendation. – The Advisory Board application review and recommendation process shall include, at a minimum, the following:

- a. The Advisory Board shall make written decisions setting forth the grounds for an initial recommendation of denial of an application that includes specific factual support for the initial recommendation of



1 denial. The Advisory Board shall notify applicants in writing of the  
 2 initial recommendation of denial.

3 b. Within 10 business days of receipt of the initial recommendation of  
 4 denial, an applicant may respond to the Advisory Board in writing  
 5 regarding the initial recommendation and may provide supplemental  
 6 written information in response to the specific factual support  
 7 included in the initial recommendation. An applicant may request the  
 8 opportunity to address the Advisory Board at the next scheduled  
 9 meeting on the initial recommendation of denial, and the request  
 10 shall be granted by the Advisory Board if made by the applicant  
 11 within 10 days of notice of the written initial recommendation of  
 12 denial.

13 c. The Advisory Board shall make a final written recommendation of  
 14 approval or denial of all applicants that includes specific factual  
 15 support for the recommendation.

16 d. If, following receipt and consideration of any information provided  
 17 by the applicant pursuant to sub-subdivision b. of this subdivision,  
 18 the Advisory Board makes a written final recommendation of denial  
 19 for an application to the State Board, the Advisory Board shall notify  
 20 the applicant in writing. Within 10 business days of receipt of the  
 21 final recommendation of denial, an applicant may (i) submit  
 22 information in writing to the State Board regarding the final  
 23 recommendation of denial and may provide supplemental written  
 24 information in response to the specific factual support included in the  
 25 recommendation, and (ii) may petition the State Board for a hearing  
 26 in the discretion of the State Board to be held prior to consideration  
 27 of final approval of applications by the State Board."

28 **SECTION 2.** G.S. 115C-238.29B(e) reads as rewritten:

29 "(e) The State Board shall ~~establish reasonable fees of no less than five hundred dollars~~  
 30 ~~(\$500.00) and no more than~~ assess a fee of one thousand dollars (\$1,000) for initial and renewal  
 31 charter applications, ~~in accordance with Article 2A of Chapter 150B of the General~~  
 32 ~~Statutes.~~ applications. No application fee shall be refunded in the event the application is  
 33 rejected or the charter is revoked."

34 **SECTION 3.** G.S. 115C-238.29B is amended by adding a new subsection to read:

35 "(f) The State Board of Education shall adopt rules in accordance with Article 2A of  
 36 Chapter 150B of the General Statutes regarding all aspects of charter school operation,  
 37 including time lines, standards, and criteria for acceptance and approval of applications,  
 38 monitoring of charter schools, and grounds for revocation of charters."

39 **SECTION 4.** G.S. 115C-238.29D(a) reads as rewritten:

- 40 "(a) The State Board may grant final approval of an application if it finds the following:
- 41 ~~(i)(1) that the~~ The application meets the requirements set out in this Part and such  
 42 other requirements as may be adopted by the State Board of  
 43 Education, Education.
- 44 ~~(ii)(2) that the~~ The applicant has the ability to operate the school and would be  
 45 likely to operate the school in an educationally and economically sound  
 46 manner, and manner.
- 47 ~~(iii)(3) that granting~~ Granting the application would achieve one or more of the  
 48 purposes set out in G.S. 115C-238.29A.

49 ~~The State Board shall act by January 15 of a calendar year on all applications and appeals it~~  
 50 ~~receives prior to a date established by the Office of Charter Schools for receipt of applications~~  
 51 ~~in the prior calendar year.~~ In reviewing applications for the establishment of charter schools

1 within a local school administrative unit, the State Board is encouraged to give preference to  
2 applications that demonstrate the capability to provide comprehensive learning experiences to  
3 students identified by the applicants as at risk of academic failure.

4 (a1) The State Board shall make final decisions on the approval or denial of applications  
5 by June 15 of a calendar year on all applications it receives prior to a date established by the  
6 Office of Charter Schools for receipt of applications in the prior calendar year. The State Board  
7 may make the final decision for approval contingent upon the successful completion of a  
8 planning year prior to enrollment of students. Final decisions of the State Board of Education  
9 denying a charter application may be appealed by commencement of a contested case in the  
10 Office of Administrative Hearings, as provided in Article 3 of Chapter 150B of the General  
11 Statutes."

12 **SECTION 5.** G.S. 115C-238.29F is amended by adding a new subsection to read:

13 "(m) The charter school, and board of directors of the private nonprofit corporation that  
14 operates the charter school, are subject to the Public Records Act, Chapter 132 of the General  
15 Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes.  
16 Notwithstanding the requirements of Chapter 132 of the General Statutes, inspection of charter  
17 school employee personnel records shall be subject to the requirements of Article 21A of this  
18 Chapter."

19 **SECTION 6.** The Revisor of Statutes is authorized to renumber and recodify Part  
20 6A of Article 16 of Chapter 115C of the General Statutes to a more suitable location.

21 **SECTION 7.** This act is effective when it becomes law and applies beginning with  
22 the 2014-2015 school year.