

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 354

Short Title: Student Notice/Charter School Closure/Restr. (Public)

Sponsors: Senators Ballard, Edwards, and Harrington (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 26, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE STUDENT AND FAMILY FAIR NOTICE AND AN IMPACT
3 STATEMENT PRIOR TO THE CLOSING OR RESTRUCTURING OF A CHARTER
4 SCHOOL.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-218 reads as rewritten:

7 "§ 115C-218. Purpose of charter schools; definitions; establishment of North Carolina
8 Charter Schools Advisory Board and North Carolina Office of Charter Schools.

9 ...

10 (a1) Definitions. – For the purposes of this Article, the following definitions apply:

11 (1) Impact Statement. – A Student and Family Impact Statement prepared in
12 accordance with G.S. 115C-218.99.

13 (2) Notice. – A notice given by registered or certified mail, by signature
14 confirmation as provided by the United States Postal Service, or by designated
15 delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery
16 receipt, shall be deemed to have been given on the delivery date appearing on
17 the return receipt, copy of the proof of delivery provided by the United States
18 Postal Service, or delivery receipt.

19 (3) Parent. – A parent or legal guardian.

20 (4) Significant restructuring. – Any action that requires the charter school to
21 change curriculum, enrollment, grades, or programs offered; leadership;
22 governing board composition; employment of more than one-third of its
23 teaching staff; or contractors for educational services.

24"

25 SECTION 2. Article 14A of Chapter 115C of the General Statutes is amended by
26 adding new sections to read:

27 "§ 115C-218.98. Notice prior to closure or significant restructuring of a charter school.

28 (a) Notice and Impact Statement. – In the event of a proposal to involuntarily or
29 voluntarily dissolve or significantly restructure a charter school, fair and timely notice shall be
30 provided to the parents of students of the charter school in accordance with this section and a
31 Student and Family Impact Statement shall be prepared by the State Board of Education or the
32 charter school intending to take the action in accordance with G.S. 115C-218.99.

33 (b) Notice of Action by the State Board of Education. – If a charter school receives any
34 communication from the State Board of Education initiating a process that could lead to the
35 dissolution, termination, revocation, nonrenewal, or significant restructuring as a condition of
36 continued operation, the charter school shall provide notice to the parents of all impacted students



1 within 10 days of receiving the communication. The notice shall include a copy of the
2 communication received from the State Board of Education, any reasons or data used to support
3 the communication, and provide detailed information on the subsequent process, including
4 statutory requirements, related to operation of the charter school.

5 (c) Notice of Action by the Charter School. – If a charter school intends to dissolve and
6 surrender its charter or amend the charter to significantly restructure the school, the charter school
7 shall provide notice to the parents of all impacted students within 10 days of the board of
8 directors' resolution to dissolve or significantly restructure. The notice shall include reasons for
9 the decision to dissolve and surrender the charter or significantly restructure and provide detailed
10 information on the subsequent process, including statutory requirements, related to operation of
11 the charter school.

12 **"§ 115C-218.99. Student and Family Impact Statement.**

13 (a) Preparation of the Impact Statement. – Within 60 days of providing notice to parents
14 in accordance with G.S. 115C-218.98, the State Board of Education, if the State Board has
15 commenced an action against the charter school to involuntarily dissolve or significantly
16 restructure the charter school, or the charter school, if it intends to dissolve and surrender its
17 charter or amend the charter to significantly restructure, shall prepare a Student and Family
18 Impact Statement. The Student and Family Impact Statement shall be prepared after a mandatory
19 survey of the parents of all students enrolled in the charter school. The survey shall be conducted
20 in a manner that maximizes parental participation. The survey shall seek the input of the parents
21 on all issues that the Student and Family Impact Statement shall address pursuant to subsection
22 (b) of this section, including (i) whether parents believe the charter school should be closed, be
23 significantly restructured, or remain available, (ii) the satisfaction level with the charter school,
24 (iii) individual parent opinion on the academic impact on the parent's child if returned to the
25 assigned school, (iv) individual reasons for choosing the charter school, and (v) for students with
26 disabilities, detailed information on the level of service at the charter school and the assigned
27 school. If the State Board of Education is preparing the Student and Family Impact Statement, it
28 shall cooperate with the board of directors of the charter school in the preparation of the Impact
29 Statement.

30 (b) Contents of the Impact Statement. – The Student and Family Impact Statement shall
31 concisely describe and analyze the proposed action that has been noticed, which may have a
32 significant impact on students and families. The Impact Statement shall be made available to the
33 public for information and comment. At a minimum, the Impact Statement shall include the
34 following:

- 35 (1) A description of the proposed action, including the charter school's needs and
36 the benefits related to the action.
- 37 (2) A review of the potential impact on students in the charter school who are
38 proficient or are achieving academic growth greater than in their prior
39 educational setting.
- 40 (3) If the charter school were to close, a full review of the public school that each
41 student will be assigned to.
- 42 (4) A review of all similar charter schools in the State in terms of performance
43 and at-risk populations and an analysis of any actions taken related to other
44 similarly situated charter schools.
- 45 (5) An analysis of the population of students with disabilities enrolled in the
46 charter school and how needs will be met for those students should the charter
47 school be closed. The Impact Statement shall not include personally
48 identifiable information for individual students.
- 49 (6) A survey of the licensed teachers in the charter school regarding the impact
50 on their students should the charter school cease operating or be significantly
51 restructured.

- 1 (7) A review of the impact on the public school or schools where students will be
2 assigned if the charter school ceases to operate.
- 3 (8) To the extent the proposed action is based, in part or wholly, upon
4 standardized test scores, a review of the participation in the tests and any
5 reliability issues, real or perceived, with the standardized tests relied upon.
- 6 (9) To the extent the proposed action is based, in part or wholly, upon a
7 performance framework, a full review of the performance framework in place
8 for the school, the process for creating the performance framework, and
9 progress on any aspects of the performance framework.
- 10 (10) An analysis of reasonable alternatives to the proposed action.
- 11 (11) Identification of ways to reduce or avoid an adverse impact on students and
12 families, including a separate section on the impact on students with
13 disabilities.

14 (c) Notice and Hearing on the Impact Statement. – Upon completion of the Student and
15 Family Impact Statement, a notice and a copy, or readily available access to a copy, of the Impact
16 Statement shall be provided to the parents of all impacted students. Within 60 days after
17 providing notice of the completed Student and Family Impact Statement, but no sooner than
18 within 15 days of the delivery of the notice, the State Board of Education or charter school, as
19 applicable, shall hold a public hearing at which any interested parents, school officials, teachers,
20 staff, or community members shall be allowed to present testimony on the findings of the Impact
21 Statement. Interested parties shall also be allowed to present expert testimony. If the State Board
22 prepared the Impact Statement, the board of directors of the charter school shall also be allowed
23 to present for consideration a student and school improvement plan in place of the proposed
24 action by the State Board.

25 (d) Delay of Action After Hearing. – The State Board of Education shall not take final
26 action to dissolve, terminate, revoke, nonrenew, or significantly restructure a charter school and
27 the charter school shall not dissolve and surrender its charter or amend its charter to significantly
28 restructure, except in the presence of imminent health or safety issues, until at least 30 days after
29 the hearing held in accordance with subsection (c) of this section."

30 **SECTION 3.** This act is effective when it becomes law and applies to actions
31 commenced to involuntarily or voluntarily dissolve or significantly restructure a charter school
32 on or after that date.