§ 135-48.54. Optional participation for charter schools operated by private nonprofit corporations or municipalities.

(a) Repealed by Session Laws 2018-84, s. 11(a), effective June 25, 2018.

(b) The board of directors of a charter school operated by a private nonprofit corporation or a charter school operated by a municipality may elect to become a participating employer in the Plan. The following shall apply to that election:

(1) If the election is made no later than two years from the date that both parties have signed the written charter under G.S. 115C-218.15, then the charter school shall become a participating employing unit in the Plan. The board of directors shall provide written notification of this election and the resulting status of the charter school as a participating unit in the Plan to the Plan, the Charter Schools Review Board, and the State Board of Education. The written notification shall include the date that the charter school employees shall be enrolled in the Plan. For any charter school employee hired after the initial enrollment date, this election is effective as of the date of that employee's entry into eligible service.

(2) If the election is made at any time after two years from the date that both parties have signed the written charter under G.S. 115C-218.15, then the board of directors of that charter school shall file an application with the Board of Trustees for participation in the Plan on a form approved by the Board of Trustees. The application shall be subject to approval by the Board of Trustees and notification of approval or denial of the application shall be provided by the Board of Trustees to the board of directors within 180 days of receipt of the complete application. Upon approval of the application by the Board of Trustees, the charter school shall become a participating employing unit in the Plan. The board of directors shall provide written notification of the election, the submission of the application required under this subdivision, and the approval of that application by the Board of Trustees to the Charter Schools Review Board and the State Board of Education. This written notification shall include the date that the charter school employees shall be enrolled in the Plan. For any charter school employee hired after the initial enrollment date, this election is effective as of the date of that employee's entry into eligible service. The Board of Trustees may (i) delegate its powers and duties under this subdivision to the North Carolina State Treasurer and (ii) require the board of directors of charter schools applying for participation in the Plan to file their applications with the person or entity designated by the North Carolina State Treasurer.

(b1) A charter school making an election to become a participating employing unit in the Plan under this section shall provide notice of the intent to make that election six months prior to making the election. The Board of Trustees shall not prohibit a charter school from becoming a participating employing unit in the Plan solely because that charter school did not provide this notice.

(c) A board of director's election to become a participating employing unit in the Plan under this section is irrevocable and shall require all eligible employees of the charter school to participate.

(d) If a charter school's board of directors does not elect to become a participating employer in the Plan under this section, then that school's employees and the dependents of those employees are not eligible for any benefits under the Plan on account of employment with a charter school.

(e) The board of directors of each charter school shall notify each of its employees as to whether the board elected to become a participating employer in the Plan under this section. This notification shall be in writing and shall be provided within 30 days of the board's election or at the time an initial offer for employment is made, whichever occurs last. If the board did not elect to become a participating employer in the Plan, the notice shall include a statement that the employee shall have no legal recourse against the board or the State for any possible benefit under the Plan. The employee shall provide written acknowledgment of the employee's receipt of the notification under this subsection. (1998-212, s. 9.14A(e); 2008-168, ss. 1(a), 3(a), (i); 2011-85, ss. 2.6(f), 2.10; 2014-101, s. 7; 2018-84, s. 11(a); 2018-145, s. 20(e); 2023-110, s. 1(t); 2024-42, s. 2(a); 2025-19, s. 7.7.)