

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 941

Short Title: Charter Schools Act of 1995.

(Public)

Sponsors: Senators Hartsell, Plexico, Gulley, and Little.

Referred to: Rules Suspended; Education/Higher Education

May 1, 1995

A BILL TO BE ENTITLED

AN ACT TO ENACT THE CHARTER SCHOOLS ACT OF 1995.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known as the "Charter Schools Act of 1995".

Sec. 2. Article 16 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"PART 6A. CHARTER SCHOOLS.

"§ 115C-238.29A. Purpose.

The purpose of this Part is to authorize a system of charter schools to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently of existing schools, as a method to accomplish all of the following:

(1) Improve student learning;

(2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as at risk of academic failure or academically gifted;

(3) Encourage the use of different and innovative teaching methods;

(4) Create new professional opportunities for teachers, including the opportunities to be responsible for the learning program at the school site;

1 (5) Provide parents and students with expanded choices in the types of
2 educational opportunities that are available within the public school
3 system; and

4 (6) Hold the schools established under this Part accountable for meeting
5 measurable student achievement results, and provide the schools with a
6 method to change from rule-based to performance-based accountability
7 systems.

8 **"§ 115C-238.29B. Petitions for the establishment of Charter Schools.**

9 Any person, group of persons, or nonprofit corporation seeking to establish a charter
10 school within a local school administrative unit may petition the local board of education
11 for the establishment of a charter school.

12 Any person, group of persons, or nonprofit corporation seeking to convert a public
13 school to a charter school shall submit to the local board of education with the petition, a
14 statement signed by a majority of the teachers and instructional support personnel
15 currently employed at the school indicating that they favor the conversion and evidence
16 that the parents of a majority of the children enrolled in the school favor the conversion.

17 If the local board of education approves the petition for the establishment of a charter
18 school or for the conversion of a public school to a charter school, the local board shall
19 submit the petition to the State Board of Education for final approval.

20 **"§ 115C-238.29C. Review of petitions at public hearings and by local board of**
21 **education; standards for approval of petitions for charters for submission**
22 **to the State Board of Education.**

23 (a) No later than 20 days after receiving a petition in accordance with G.S. 115C-
24 238.29B, the local board of education shall hold a public hearing on the provisions of the
25 petition for a charter, at which time the board shall consider the level of employee and
26 parental support for the petition.

27 (b) The local board of education shall review the petition and either approve or
28 disapprove the petition for submission to the State Board of Education within 30 days of
29 receipt of the petition, unless the board and the petitioners agree to extend the date by an
30 additional 15 days.

31 (c) A local board of education shall approve a petition to submit a charter to the
32 State Board of Education if the local board determines that the information contained in
33 the petition indicates that the charter school is likely to be operated in an educationally
34 and economically sound manner and that the petition contains a statement of each of the
35 conditions described in subsection (d) of this section and descriptions of all of the
36 following:

37 (1) The educational program of the school, designed, among other things, to
38 identify those whom the school is attempting to educate. The goals
39 identified in that program shall include the specific student achievement
40 goals for the school.

41 (2) The method of demonstrating that students have attained the skills and
42 knowledge specified as student achievement goals in the school's
43 educational program.

- 1 (3) The governance structure of the school including the process to be
2 followed by the school to ensure parental involvement.
- 3 (4) The qualifications to be met by individuals employed by the school.
- 4 (5) The procedures that the school will follow to ensure the health and
5 safety of students and staff.
- 6 (6) The means by which the school will achieve a racial and ethnic balance
7 among its students that is reflective of the general population residing
8 within the local school administrative unit to which the charter petition
9 is submitted.
- 10 (7) Admission requirements, if applicable.
- 11 (8) The manner in which an annual audit of the financial operations of the
12 school is to be conducted.
- 13 (9) The manner in which the programmatic operations of the school will be
14 evaluated.
- 15 (10) The procedures by which students can be suspended or expelled.
- 16 (11) The number of students to be served, which number shall be at least
17 100, and the number of certified teachers to be employed at the school,
18 which number shall be at least four, unless the petition contains a
19 compelling reason for the school serving fewer than 100 students or
20 employing fewer than four certified teachers.

21 (d) In addition to any other requirement imposed under this Part, a charter school
22 shall be nonsectarian in its programs, admission policies, employment practices, and all
23 other operations, shall not charge tuition except as provided in G.S. 115C-366.1, and
24 shall not discriminate against any student on the basis of ethnicity, national origin,
25 gender, or disability. Admission to a charter school shall not be determined according to
26 the school attendance area in which a student resides, except that any local school
27 administrative unit in which a public school converts to a charter school shall give
28 admission preference to students who reside within the former attendance area of that
29 school.

30 Admission to a charter school shall not be determined according to the local school
31 administrative unit in which a student resides, except that the provisions of G.S. 115C-
32 366(d) shall apply to a student who wishes to attend a charter school in a county other
33 than the county in which the student resides.

34 (e) The local board of education may also require that the petitioners provide
35 information regarding the facilities to be used by the school and the manner in which
36 administrative services of the school are to be provided.

37 (f) In reviewing petitions for the establishment of charter schools within the local
38 school administrative unit, the local board of education shall give preference to petitions
39 that demonstrate the capability to provide comprehensive learning experiences to students
40 identified by the petitioner or petitioners as at risk of academic failure.

41 (g) The local board of education shall submit any petition that it approves to the
42 State Board of Education for final approval.

1 **"§ 115C-238.29D. Appeal of the disapproval of a petition for a charter for**
2 **submission to the State Board of Education.**

3 (a) If the local board of education disapproves a petition for submission to the
4 State Board of Education or fails to act within the time set out in G.S. 115C-238.29C, the
5 petitioner may appeal that decision to the State Board of Education.

6 (b) If the State Board determines that the local board of education failed to
7 consider appropriately the petition, acted in an arbitrary manner in disapproving the
8 petition, or failed to act within the time set out in G.S. 115C-238.29C, the State Board
9 may consider approval of the petition.

10 **"§ 115C-238.29E. Approvals of charters by the State Board of Education;**
11 **limitations of the number of charter schools; limitations on the durations**
12 **of charters.**

13 (a) The State Board of Education shall approve a charter if it finds that the petition
14 complies with the provisions of this Part and that approval of the petition would
15 accomplish the purpose of this Part as provided in G.S. 115C-238.29A. A charter school
16 that is approved by the State shall be a public school within the local school
17 administrative unit in which it is located.

18 (b) The State Board of Education may grant a charter for a period not to exceed
19 five years and may renew the charter upon the request of the local board for subsequent
20 periods not to exceed five years each. A material revision of the provisions of a charter
21 petition shall be made only upon the request of the local board and the approval of the
22 State Board of Education.

23 **"§ 115C-238.29F. Charter school operation.**

24 (a) A charter school is a public school that is part of the local school
25 administrative unit in which it is located. It shall be accountable to the local board of
26 education for purposes of ensuring compliance with applicable laws and the provisions of
27 its charter.

28 (b) No civil liability shall attach to any board of education, individually or
29 collectively, for any acts or omissions of the charter school. The immunity established by
30 this subsection shall be deemed to have been waived to the extent of indemnification by
31 insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General
32 Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as
33 set forth in Article 31 of Chapter 143 of the General Statutes.

34 (c) A charter school shall comply with all of the provisions set forth in its charter
35 petition, but is otherwise exempt from the laws governing local school administrative
36 units except:

- 37 (1) A charter school shall meet the school performance standards adopted
38 for charter schools by the State Board of Education;
39 (2) A charter school shall conduct the student assessments required by Part
40 2 of Article 10A of this Chapter;
41 (3) A charter school shall comply with the requirements of the Uniform
42 Education Reporting System;

1 (4) All provisions of laws pertaining to the Teachers' and State Employees'
2 Retirement System and the Teachers' and State Employees'
3 Comprehensive Major Medical Plan shall apply to employees of charter
4 schools in the same manner as if the school were not a charter school.

5 (d) An employee of a charter school is not an employee of the local school
6 administrative unit in which the charter school is located. No local board of education
7 shall require any employee of the local school administrative unit to be employed in a
8 charter school.

9 An employee of a local school administrative unit who elects not to be employed in a
10 charter school shall be transferred to a position in a school other than a charter school
11 within the local school administrative unit. A teacher with career status in a local school
12 administrative unit who elects to teach at a charter school in that local school
13 administrative unit shall have a right to return to a public school in the local school
14 administrative unit with career status after teaching at the charter school, if an appropriate
15 position is available for the teacher in the local school administrative unit.

16 (e) No local board of education shall require any student enrolled in the local
17 school administrative unit to attend a charter school.

18 **"§ 115C-238.29G. Revocations of charters.**

19 A charter may be revoked by the State Board of Education, upon the request of the
20 local board of education or otherwise, if the State Board finds that the charter school did
21 any of the following:

22 (1) Committed a material violation of any of the conditions, standards, or
23 procedures set forth in the charter petition.

24 (2) Failed to pursue any of the student outcomes identified in the charter
25 petition.

26 (3) Failed to meet generally accepted accounting standards of fiscal
27 management.

28 (4) Violated any provision of law.

29 **"§ 115C-238.29H. Charter school funding.**

30 The State Board of Education shall allocate to each charter school (i) an amount
31 equal to the average per pupil allocation for average daily membership for the local
32 school administrative unit in which the charter school is located for each child attending
33 the charter school, including funds for student transportation, and (ii) an additional
34 amount for each child attending the charter school who is a child with special needs.

35 The local board of education for the local school administrative unit in which a
36 charter school is located shall allocate to that charter school an amount equal to the
37 average per pupil allocation for operating expenses for average daily membership for the
38 local school administrative unit.

39 **"§ 115C-238.29I. Notice of the charter school process; review of charter schools.**

40 (a) The State Board of Education shall distribute information announcing the
41 availability of the charter school process described in this Part to each local school
42 administrative unit and public postsecondary educational institution and, through press
43 releases, to each major newspaper in the State.

1 (b) The State Board of Education shall review the educational effectiveness of the
2 charter school approach authorized under this Part and, not later than January 1, 1999,
3 shall report to the Joint Legislative Education Oversight Committee with
4 recommendations to modify, expand, or terminate that approach.

5 **"§ 115C-238.29J. Public and private assistance to charter schools.**

6 (a) Local boards of education are encouraged to provide administrative and
7 evaluative support to charter schools located within their local school administrative units
8 and to contract with those charter schools to provide student transportation.

9 (b) Private persons and organizations are encouraged to provide funding and other
10 assistance to the establishment or operation of charter schools."

11 Sec. 3. This act becomes effective July 1, 1995.