

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 250
Committee Substitute Favorable 3/19/13
Third Edition Engrossed 3/20/13
Senate Education/Higher Education Committee Substitute Adopted 6/26/13

Short Title: Charter School Enrollment & Charter Revisions.

(Public)

Sponsors:

Referred to:

March 7, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(g) reads as rewritten:

"(g) Admission Requirements. –

- (1) Any child who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school.
- (2) No local board of education shall require any student enrolled in the local school administrative unit to attend a charter school.
- (3) Admission to a charter school shall not be determined according to the school attendance area in which a student resides, except that any local school administrative unit in which a public school converts to a charter school shall give admission preference to students who reside within the former attendance area of that school.
- (4) Admission to a charter school shall not be determined according to the local school administrative unit in which a student resides.
- (5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. Within one year after the charter school begins operation, the population of the school shall reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit.

(5a) The charter school may give enrollment priority to any of the following:



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- 1 a. ~~siblings~~Siblings of currently enrolled students who were admitted to
2 the charter school in a previous ~~year and year~~. For the purposes of
3 this subsection, the term "siblings" includes any of the following who
4 reside in the same household: half siblings, stepsiblings, and children
5 residing in a family foster home.
- 6 b. Siblings of students who have completed the highest grade level
7 offered by that school and who were enrolled in at least four grade
8 levels offered by the charter school or, if less than four grades are
9 offered, in the maximum number of grades offered by the charter
10 school.
- 11 c. ~~to children~~Limited to no more than ten percent (10%) of the school's
12 total enrollment, the following:
- 13 1. ~~Children~~ of the school's ~~principal, teachers, and teacher~~
14 ~~assistants.~~full-time employees.
- 15 2. ~~In addition, and only for~~ For its first year of operation, the
16 ~~charter school may give enrollment priority to children~~ of the
17 initial members of the charter school's board of directors, so
18 long as (i) ~~these children are limited to no more than ten~~
19 ~~percent (10%) of the school's total enrollment or to 20~~
20 ~~students, whichever is less, and (ii) the charter school is not a~~
21 former public or private school.
- 22 d. A student who was enrolled in the charter school within the two
23 previous school years but left the school (i) to participate in an
24 academic study abroad program or a competitive admission
25 residential program or (ii) because of the vocational opportunities of
26 the student's parent.
- 27 (5b) Lottery procedures for siblings.
- 28 a. If ~~multiple birth~~ siblings apply for admission to a charter school and
29 a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school
30 ~~shall may~~ enter one surname into the lottery to represent all of the
31 ~~multiple birth siblings.~~ siblings applying at the same time. If that
32 surname of the ~~multiple birth~~ siblings is selected, then all of the
33 ~~multiple birth~~ siblings shall be admitted.
- 34 b. If multiple birth siblings apply for admission to a charter school and
35 a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school
36 shall enter one surname into the lottery to represent all of the
37 multiple birth siblings applying at the same time. If that surname of
38 the multiple birth siblings is selected, then all of the multiple birth
39 siblings shall be admitted.
- 40 ~~Within one year after the charter school begins operation, the population of~~
41 ~~the school shall reasonably reflect the racial and ethnic composition of the~~
42 ~~general population residing within the local school administrative unit in~~
43 ~~which the school is located or the racial and ethnic composition of the~~
44 ~~special population that the school seeks to serve residing within the local~~
45 ~~school administrative unit in which the school is located. The school shall be~~
46 ~~subject to any court ordered desegregation plan in effect for the local school~~
47 ~~administrative unit.~~
- 48 (6) During each period of enrollment, the charter school shall enroll an eligible
49 student who submits a timely application, unless the number of applications
50 exceeds the capacity of a program, class, grade level, or building. In this

1 case, students shall be accepted by lot. Once enrolled, students are not
2 required to reapply in subsequent enrollment periods.

- 3 (7) Notwithstanding any law to the contrary, a charter school may refuse
4 admission to any student who has been expelled or suspended from a public
5 school under G.S. 115C-390.5 through G.S. 115C-390.11 until the period of
6 suspension or expulsion has expired."

7 **SECTION 2.** G.S. 115C-238.29D reads as rewritten:

8 "**§ 115C-238.29D. Final approval of applications for charter schools.**

9 (a) The State Board may grant final approval of an application if it finds that the
10 application meets the requirements set out in this Part or adopted by the State Board of
11 Education and that granting the application would achieve one or more of the purposes set out
12 in G.S. 115C-238.29A. The State Board shall act by March 15 of a calendar year on all
13 applications and appeals it receives prior to February 15 of that calendar year.

14 (b) Repealed by Session Laws 2011-164, s. 2(a), effective July 1, 2011.

15 (c) The State Board of Education may authorize a school before the applicant has
16 secured its space, equipment, facilities, and personnel if the applicant indicates the authority is
17 necessary for it to raise working capital. The State Board shall not allocate any funds to the
18 school until the school has obtained space.

19 (d) The State Board of Education may grant the initial charter for a period not to exceed
20 10 years and may renew the charter upon the request of the chartering entity for subsequent
21 periods not to exceed 10 years each. The State Board of Education shall review the operations
22 of each charter school at least once every five years to ensure that the school is meeting the
23 expected academic, financial, and governance standards.

24 (e) A material revision of the provisions of a charter application shall be made only
25 upon the approval of the State Board of Education.

26 ~~It shall not be considered a material revision of a charter application and shall not require~~
27 ~~the prior approval of the State Board for a charter school to increase its enrollment during the~~
28 ~~charter school's second year of operation and annually thereafter (i) by up to twenty percent~~
29 ~~(20%) of the school's previous year's enrollment or (ii) in accordance with planned growth as~~
30 ~~authorized in the charter. Other~~ Except as provided in subsection (f) of this section, enrollment
31 growth shall be considered a material revision of the charter application, and the State Board
32 may approve such additional enrollment growth of greater than twenty percent (20%) only if
33 the State Board finds that all of the following:

34 (1) The actual enrollment of the charter school is within ten percent (10%) of its
35 maximum authorized ~~enrollment;~~ enrollment.

36 (2) The charter school has commitments for ninety percent (90%) of the
37 requested maximum ~~growth;~~ growth.

38 (3) The board of education of the local school administrative unit in which the
39 charter school is located has had an opportunity to be heard by the State
40 Board of Education on any adverse impact the proposed growth would have
41 on the unit's ability to provide a sound basic education to its
42 ~~students;~~ students.

43 (4) The charter school is not currently identified as
44 ~~low-performing;~~ low-performing.

45 (5) The charter school meets generally accepted standards of fiscal
46 ~~management;~~ and management.

47 (6) It is otherwise appropriate to approve the enrollment growth.

48 (f) It shall not be considered a material revision of a charter application and shall not
49 require prior approval of the State Board for a charter school to do any of the following:

- 1 (1) Increase its enrollment during the charter school's second year of operation
2 and annually thereafter by up to twenty percent (20%) of the school's
3 previous year's enrollment.
4 (2) Increase its enrollment during the charter school's second year of operation
5 and annually thereafter in accordance with planned growth as authorized in
6 its charter.
7 (3) Expand to offer grades four and five if the charter school has previously
8 been authorized to offer grades kindergarten through third grade.
9 (4) Expand to offer grades seven and eight if the charter school has previously
10 been authorized to offer grade six.
11 (5) Expand to offer grades 10, 11, and 12 if the charter school has previously
12 been authorized to offer grade nine."

13 **SECTION 3.** This act is effective when it becomes law and applies beginning with
14 the 2013-2014 school year.