

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 793\*  
Education/Higher Education Committee Substitute Adopted 6/11/14

Short Title: Charter School Modifications. (Public)

Sponsors:

Referred to:

May 20, 2014

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT A TEACHER EMPLOYED BY A CHARTER SCHOOL  
3 MAY SERVE AS A NONVOTING MEMBER OF THE BOARD OF DIRECTORS FOR  
4 THE CHARTER SCHOOL; TO REQUIRE CHARTER RENEWALS TO BE FOR TEN  
5 YEARS; TO CLARIFY THAT CHARTERS WITH THE MISSION OF SINGLE  
6 GENDER EDUCATION MAY LIMIT ADMISSION ON THE BASIS OF GENDER; TO  
7 MAKE CHARTER SCHOOLS SUBJECT TO REQUIREMENTS OF THE OPEN  
8 MEETINGS AND PUBLIC RECORDS LAWS; AND TO CLARIFY THE BIDDING  
9 PROCESS FOR THE ASSUMPTION OF CHARTER SCHOOLS.

10 The General Assembly of North Carolina enacts:

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

12 "(b) The application shall contain at least the following information:

13 ...

14 (3) The governance structure of the school including the names of the initial  
15 members of the board of directors of the nonprofit, tax-exempt corporation  
16 and the process to be followed by the school to ensure parental involvement.  
17 A teacher employed by the board of directors to teach in the charter school  
18 may serve as a nonvoting member of the board of directors for the charter  
19 school.

20 ...."

21 **SECTION 2.** G.S. 115C-238.29D(d) reads as rewritten:

22 "(d) The State Board of Education may grant the initial charter for a period not to exceed  
23 10 years and years. The State Board of Education may renew the charter upon the request of the  
24 chartering entity for subsequent periods not to exceed of 10 years each. The renewal may be for  
25 less than 10 years if one of the following applies:

26 (1) The charter school has not provided financially sound audits for the prior  
27 three years.

28 (2) The charter school's student academic outcomes for the past three years have  
29 not been comparable to the academic outcomes of students in the local  
30 school administrative unit in which the charter school is located.

31 The State Board of Education shall review the operations of each charter school at least  
32 once every five years to ensure that the school is meeting the expected academic, financial, and  
33 governance standards."

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

35 "(b1) A charter school shall not discriminate against any student on the basis of ethnicity,  
36 national origin, gender, or disability."



1           **SECTION 4.** G.S. 115C-238.29F(g)(5) reads as rewritten:

2           "(5) ~~A charter school shall not discriminate against any student on the basis of~~  
3           ~~ethnicity, national origin, gender, or disability.~~ Except as otherwise provided  
4           by law or the mission of the school as set out in the charter, the school shall  
5           not limit admission to students on the basis of intellectual ability, measures  
6           of achievement or aptitude, athletic ability, disability, race, creed, ~~gender,~~  
7           national origin, religion, or ancestry. A charter school whose mission is  
8           single gender education may limit admission on the basis of gender. Within  
9           one year after the charter school begins operation, the charter school shall  
10          make efforts for the population of the school to reasonably reflect the racial  
11          and ethnic composition of the general population residing within the local  
12          school administrative unit in which the school is located or the racial and  
13          ethnic composition of the special population that the school seeks to serve  
14          residing within the local school administrative unit in which the school is  
15          located. The school shall be subject to any court-ordered desegregation plan  
16          in effect for the local school administrative unit."

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

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

24          **SECTION 6.** Upon recommendations by the Office of Charter Schools and the  
25          Charter Schools Advisory Board and pursuant to G.S. 115C-239.29G(a1)(2), the State Board of  
26          Education shall adopt a process and rules for the competitive bid process for the assumption of  
27          a charter school that shows inadequate performance. At a minimum, the State Board shall  
28          require interested entities to meet the following criteria:

- 29                 a. Have operated another charter school in the State for five years.
- 30                 b. Can provide three years of financially sound audits for the charter  
31                         school they are currently operating in the State.
- 32                 c. Have student academic outcomes that are comparable to the  
33                         academic outcomes of students in the local school administrative unit  
34                         in which the currently operating charter school is located.

35          The State Board of Education shall adopt rules and procedures required by this  
36          section by January 15, 2015, and report to the Joint Legislative Education Oversight Committee  
37          by February 1, 2015.

38          **SECTION 7.** The Revisor of Statutes is authorized to renumber and recodify Part  
39          6A of Article 16 of Chapter 115C of the General Statutes to a more suitable location.

40          **SECTION 8.** This act is effective when it becomes law and applies beginning with  
41          the 2014-2015 school year.