

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 920

Short Title: Charter School Omnibus. (Public)

Sponsors: Representatives von Haefen, Ball, Fisher, and Gill (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 11, 2021

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS REGARDING CHARTER
SCHOOLS.

The General Assembly of North Carolina enacts:

**PART I. REQUIRE CHARTER SCHOOLS TO PROVIDE TRANSPORTATION TO
STUDENTS AND MEET APPLICABLE SAFETY REQUIREMENTS**

SECTION 1.(a) G.S. 115C-218.1(b) reads as rewritten:

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

...

(16) The school's plans for providing transportation. The school shall develop a plan for transportation for any student enrolled in the charter school who resides in the local school administrative unit in which the school will be located."

SECTION 1.(b) G.S. 115C-218.40 reads as rewritten:

"§ 115C-218.40. Charter school transportation.

The charter school may provide transportation for students enrolled at the school. The charter school shall ~~develop a transportation plan so that transportation is not a barrier to provide transportation for any student enrolled in the charter school who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. located.~~ Transportation provided by the charter school shall comply with policies adopted by the State Board of Education and applicable transportation safety provisions from Article 17 of this Chapter, including at least G.S. 115C-240(c), 115C-248, 115C-249.1, and 115C-251. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter school. A local board may charge the charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation under this section if it demonstrates there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation."

SECTION 1.(c) G.S. 115C-12(17) reads as rewritten:



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"(17) Power to Provide for School Transportation Programs. – The State Board of Education is authorized and empowered to promulgate such policies, rules, and regulations as it may deem necessary and desirable for the operation of a public school transportation system by each local administrative unit and charter school in the State. Such policies, rules, and regulations shall include, but are not limited to, fund allocations and fiscal support to assure the effective and efficient use of funds appropriated by the General Assembly in support of the school transportation system. Nothing herein shall be construed to affect in any way or to lessen in any way the full and complete authority of local boards of education to assign pupils to schools in accordance with G.S. 115C-366."

SECTION 1.(d) Subsection (a) of this section applies to applications for a new or renewed charter submitted on or after July 1, 2021. Subsection (b) of this section applies beginning with the 2022-2023 school year. The State Board of Education shall adopt transportation safety requirements for charter schools in accordance with this section no later than December 31, 2021.

PART II. REQUIRE CHARTER SCHOOL TO PROVIDE FOOD SERVICES TO STUDENTS

SECTION 2.(a) G.S. 115C-218.1(b), as amended by Section 1(a) of this act, reads as rewritten:

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

...

(17) The school's plans for providing food services. The school shall develop a plan to provide food services for any student enrolled in the charter school."

SECTION 2.(b) Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-218.42. Food services.

The charter school shall provide food services for any student enrolled in the charter school. In the operation of their food service programs, charter schools shall participate in the National School Lunch Program as provided in G.S. 115C-264."

SECTION 2.(c) Subsection (a) of this section applies to applications for a new or renewed charter submitted on or after July 1, 2021. Subsection (b) of this section applies beginning with the 2022-2023 school year.

PART III. REQUIRE CHARTER SCHOOLS TO PARTICIPATE IN SCHOOL EXTENSION LEARNING RECOVERY AND ENRICHMENT PROGRAMS

SECTION 3.(a) Part I of S.L. 2021-7 reads as rewritten:

"**SECTION 1.1.** Program Established; Purpose. – Notwithstanding Part 3 of Article 16 of Chapter 115C of the General Statutes or any other provision of law, following the end of the 2020-2021 school year, within funds available, including federal funds received by a local school administrative unit or a charter school for the purpose of responding to the impacts of the coronavirus disease 2019 (COVID-19), each local school administrative unit and charter school shall offer a school extension learning recovery and enrichment program (program) outside of the instructional school calendar. The purpose of the program shall be to provide in-person instruction on specific subjects, as well as offer additional enrichment activities, to the following students ~~in kindergarten through grade 12~~ to address learning losses and negative impacts students have experienced due to COVID-19 during the 2020-2021 school ~~year~~year:"

(1) For local school administrative units, students in kindergarten through grade 12.

- (2) For charter schools, students in all grades between kindergarten and grade 12 that are offered by the charter school.

Each local school administrative unit and charter school shall identify and prioritize at-risk students, consistent with ~~G.S. 115C-105.41(a)~~, G.S. 115C-105.41(a) and G.S. 115C-218.87, for participation in the program. Students who are not identified as at-risk under G.S. 115C-105.41(a) and G.S. 115C-218.87 may also participate in a program within space available. A year-round school, as defined in G.S. 115C-84.2(f)(5), may offer the program during vacation periods in the instructional calendar through October 1, 2021.

"SECTION 1.2. Program Plan; Requirements. – Each local school administrative unit and charter school shall develop and submit a plan for its program that meets the requirements of this act to the Department of Public Instruction no later than 30 days prior to the final instructional day of the 2020-2021 school year. The Department shall notify the local school administrative unit or charter school of any necessary changes and approve the program plan with those changes within 21 days of receiving the ~~plan from a local school administrative unit. A charter school is also encouraged to submit a plan that meets the requirements of this section depending on the grade levels served by the school to offer a program consistent with this act.~~ plan. The program shall be separate and apart from the 2020-2021 school year and shall not be an extension of the 2020-2021 school year. The plan shall include at least the following as components of the program:

- (1) Instruction shall be delivered for at least 150 hours or 30 days over the course of the program as follows:
 - a. The instructional time shall not include the time for lunch service, transition periods, and the physical activity period as required by this section.
 - b. Instruction shall not be delivered on Saturdays.
- (2) Meal service for each instructional day.
- (3) A period of physical activity during the instructional day.
- (4) Grade level course offerings and activities in the following:
 - a. For students in kindergarten through third grade, in-person instruction in the following:
 1. Reading and math, in addition to science instruction for third grade students.
 2. Integration of the local school administrative unit's and any charter school's reading camp, as defined in G.S. 115C-83.3(4a), into the program.
 3. At least one enrichment activity. The local school administrative unit or the charter school shall have discretion in the type of enrichment activity offered, such as a sports, music, or arts program.
 - b. For students in fourth through eighth grade, in-person instruction in the following:
 1. Reading, math, and science.
 2. At least one enrichment activity. The local school administrative unit or the charter school shall have discretion in the type of enrichment activity offered, such as a sports, music, or arts program.
 - c. For high school students:
 1. In-person instruction in end-of-course subjects.
 2. Access to modules and teacher support for credit recovery courses necessary to meet graduation requirements, including

- 1 courses offered through the North Carolina Virtual Public
2 School (NCVPS).
- 3 3. In-person instruction for an elective course.
- 4 (5) Transportation services to the school facility housing the program, provided
5 in accordance with the Plan A requirements for transportation established in
6 the StrongSchoolsNC Public Health Toolkit (K-12) issued on March 24, 2021.
- 7 (5a) Time built into the instructional day for teachers to provide individual or small
8 group instruction to at-risk students.
- 9 (5b) In-person social-emotional learning supports for all students in the program.
- 10 (6) Voluntary participation by at-risk students in the program. Each local school
11 administrative unit and charter school shall notify parents of students
12 identified as at-risk, pursuant to ~~G.S. 115C-105.41(a)~~, G.S. 115C-105.41(a)
13 and G.S. 115C-218.87, and the student's eligibility for participation in the
14 program. Parents of students who qualify for the program shall make the final
15 decision regarding student attendance at the program. However, for students
16 who do attend the program, the following shall apply:
- 17 a. Kindergarten students who participate in the program shall be exempt
18 from retention for the 2021-2022 school year. At the end of the
19 program, if necessary, a supplemental support plan shall be developed
20 for the student's first grade year.
- 21 b. For all other students who were retained for the 2021-2022 school
22 year, the student's principal shall reassess the student's promotion
23 eligibility upon completion of the program.
- 24 (7) Opportunity for additional students to participate, within the space available,
25 after students are prioritized for attendance in the program under subdivision
26 (6) of this section. The local school administrative unit or charter school shall
27 establish any criteria for prioritizing additional students participating in the
28 program.
- 29 (8) Outreach to families and students to increase participation in the program by
30 not only addressing learning losses, but by offering a fun, positive
31 environment with enrichment activities to counteract the negative impacts
32 from COVID-19 on student social interactions and development.
- 33 **"SECTION 1.3.(a)** Employment of School Personnel. – For each local school administrative
34 unit and charter school operating the program, the following shall apply:
- 35 (1) Notwithstanding Articles 19, 20, 21, and Part 3 of Article 22 of Chapter 115C
36 of the General Statutes, a local board of education or charter school shall
37 employ teachers and other school personnel as temporary employees on a
38 contract basis for the period of the program. School personnel employed as
39 temporary employees by a local board of education or charter school pursuant
40 to this act shall not be considered an "employee" as defined in G.S. 135-1(10)
41 or a "teacher" as defined in G.S. 135-1(25), nor shall it cause school personnel
42 to be considered an "employee or State employee" under G.S. 135-48.1(10).
43 In addition, school personnel shall not be deemed as earning "compensation"
44 as defined in G.S. 135-1(7a) and shall not be eligible to accrue paid leave
45 during their temporary employment.
- 46 (2) For individuals who retired under the Teachers' and State Employees'
47 Retirement System (TSERS) on or after December 1, 2020, but on or before
48 March 1, 2021, the six-month separation from service from an employer that
49 is required under G.S. 135-1(20) in order for a retirement to become effective
50 shall not apply and instead a one-month separation shall be required, provided
51 that the position to which the individual returns is as a teacher or other school

personnel employed as a temporary employee on a contract basis for the program as required in subdivision (1) of this section. Upon the expiration of this section, all of the following shall apply:

- a. The six-month separation from an employer required under G.S. 135-1(20) shall again be applicable to individuals who retired under TSERS on or after December 1, 2020, but on or before March 1, 2021.
 - b. In order for a member's retirement under TSERS on or after December 1, 2020, but on or before March 1, 2021, to become effective in any month, the member must perform no work for an employer, including part-time, temporary, substitute, or contractor work, at any time between the expiration of this section and the end of the six months immediately following the effective date of retirement, provided the expiration of the six-month period of separation did not occur while this section was in effect.
 - c. For individuals who retired under TSERS on or after December 1, 2020, but before March 1, 2021, any time worked in the program and the time this section expires shall not be considered work for the purposes of the six-month separation required under G.S. 135-1(20).
 - d. For purposes of this subdivision, local school administrative units and charter schools shall certify to the Retirement System that a retirement system beneficiary is employed by the local board of ~~education~~ education or charter school.
- (3) From funds available, local boards and charter schools shall offer a signing bonus of at least one thousand two hundred dollars (\$1,200) to any teacher who (i) had received a past teaching bonus for reading in grades three, four, and five or mathematics in grades four, five, six, seven, or eight or (ii) has received National Board for Professional Teaching Standards Certification. Local boards of education and charter schools are encouraged to find ways to incentivize highly effective teachers to participate in the program, such as increased compensation and varied contract durations.
- (4) Local boards of education and charter schools shall provide a performance bonus to a teacher who provided instruction during the program, in a per student amount of at least one hundred fifty dollars (\$150.00), for each student not demonstrating reading proficiency on the third-grade end-of-grade reading assessment assigned to that teacher who became proficient in reading after completing the program, as demonstrated by an alternate assessment.

"SECTION 1.3.(b) This section is effective when it becomes law and expires October 1, 2021.

"SECTION 1.4. Use of Reading Camp Funds. – Notwithstanding G.S. 115C-105.25(b)(10) and any other provision of law, local school administrative units and charter schools may use funds allocated to the units for reading camps for the 2020-2021 fiscal year to also support the operation of reading instruction for first, second, and third grade students in the school extension learning recovery and enrichment program pursuant to this act. These funds shall not be used for enrichment activities.

...

"SECTION 1.7. Program Assessments. – The State Board of Education, within funds available, shall make available to local school administrative units and charter schools that offer all or part of grades kindergarten through eight a single competency-based assessment per grade and subject for students in grades kindergarten through eight that may be taken at the beginning of the program and at the conclusion of the program. Each local board of education and charter

1 school that offers all or part of grades kindergarten through eight shall ensure that the results of
2 all competency-based assessments administered to a student shall be provided to all teachers of
3 record for that student for the 2021-2022 school year.

4 "SECTION 1.8. Reporting Requirements. – By October 15, 2021, local school
5 administrative units and charter schools shall report all of the following to the Department of
6 Public Instruction:

- 7 (1) Results of competency-based assessment given to any students in grades K-8
8 at the beginning of the program.
- 9 (2) Results of competency-based assessment given to any students in grades K-8
10 at the conclusion of the program.
- 11 (3) The number of students who progressed to the next grade level after
12 participating in the program.
- 13 (4) The number of students who were retained in the same grade level after
14 participating in the program.
- 15 (5) The number of students who received credit recovery in high school.

16 By January 15, 2022, the Department of Public Instruction shall report to the Joint Legislative
17 Education Oversight Committee on the implementation of this act and all of the information
18 required in this section. The Department shall submit with its report a copy of each program plan
19 submitted to the Department, an explanation of the program outcomes completed by the
20 Department, and any other data deemed by the Department to be useful to the Joint Legislative
21 Education Oversight Committee in evaluating the delivery of programs."

22 SECTION 3.(b) Article 14A of Chapter 115C of the General Statutes is amended by
23 adding a new section to read:

24 "**§ 115C-218.87. Students who have been placed at risk of academic failure.**

25 In accordance with G.S. 115C-105.41(a), a charter school shall identify students enrolled in
26 the charter school who are at risk for academic failure and who are not successfully progressing
27 toward grade promotion and graduation."

28
29 **PART IV. CONDITIONAL CHARTER SCHOOL ENROLLMENT PRIORITY FOR**
30 **QUALIFYING STUDENTS**

31 SECTION 4.(a) G.S. 115C-218.45 is amended by adding a new subsection to read:

32 "(f1) If the charter school enrolls a smaller percentage of qualifying students than the local
33 school administrative unit in which the charter school is located, the charter school shall give
34 enrollment priority to qualifying students until the enrollment percentage of qualifying students
35 in the charter school is equal to or greater than the enrollment percentage of qualifying students
36 in the local school administrative unit in which the charter school is located. For purposes of this
37 subsection, the term "qualifying student" refers to a student who either (i) resides in a household
38 with an income level not in excess of the amount required for the student to qualify for the federal
39 free or reduced-price lunch program or (ii) qualifies as an "identified student" under the
40 Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010."

41 SECTION 4.(b) This section applies to applications for enrollment submitted on or
42 after the effective date of this act.

43
44 **PART V. CHARTER MANAGEMENT ORGANIZATIONS**

45 SECTION 5.(a) Article 14A of Chapter 115C of the General Statutes is amended by
46 adding a new section to read:

47 "**§ 115C-218.77. Charter management organizations.**

48 (a) For purposes of this Article, a "charter management organization" is a for-profit entity
49 that contracts with the board of directors of a charter school to manage all or part of the operations
50 of the charter school, including any of the following:

- 51 (1) Nomination, appointment, or removal of officers of the charter school.

- (2) Employment, supervision, or dismissal of employees of the charter school.
- (3) Management of the charter school's day-to-day operations.
- (4) Approval, denial, or management of the budget or any expenditures of the charter school that are not authorized by the board of directors for the charter school.
- (5) Provision of services to a charter school before the governing body of the charter school has approved the contract for those services.

(b) No later than September 1 of each year, every charter school that contracts with a charter management organization shall report the name of the charter management organization to the State Board of Education. A charter school shall not enter into a subcontract to avoid the requirements of this subsection.

(c) The State Board of Education shall maintain a list of all charter management organizations in operation in the State and their affiliated charter school or schools. The State Board shall publish that list on its website no later than October 1 of each year."

SECTION 5.(b) G.S. 115C-218.25 reads as rewritten:

"§ 115C-218.25. Open meetings and public records.

(a) ~~The charter school and board of directors of the private nonprofit corporation that operates the charter school~~ following are subject to the Public Records Act, Chapter 132 of the General Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes. ~~Statutes. Statutes:~~

- (1) The charter school.
- (2) The board of directors of the private nonprofit corporation that operates the charter school.
- (3) For any records and meetings related to the operation of the charter school, any charter management organization that contracts with the charter school.

(b) ~~Notwithstanding the requirements of Chapter 132 of the General Statutes, inspection of charter school personnel records for those employees directly employed by the board of directors of the charter school for the following persons shall be subject to the requirements of Article 21A of this Chapter. Chapter:~~

- (1) Employees of the charter school.
- (2) Employees of the board of directors of the charter school.
- (3) Employees who work at the charter school and are employed by any charter management organization that contracts with the charter school.

(c) ~~The charter school and school, the~~ board of directors of the private nonprofit corporation that operates the charter school-school, and any charter management organization that contracts with the charter school shall use the same schedule established by the Department of Natural and Cultural Resources for retention and disposition of records of local school administrative units."

SECTION 5.(c) G.S. 115C-218.45(f)(3) reads rewritten:

- "(3) Limited to no more than fifteen percent (15%) of the school's total enrollment, unless granted a waiver by the State Board of Education, the following:
- a. ~~Children of persons (i) employed full time by the charter school or (ii) working full time in the daily operation of the charter school, including children of persons employed by an education management organization or a~~ charter management organization for the charter school.
 - b. Children of the charter school's board of directors."

SECTION 5.(d) G.S. 115C-218.90(a)(1) reads as rewritten:

- "(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers or

contract with ~~an education management organization or a~~ charter management organization to employ and provide teachers to perform the particular service for which they are employed in the school; at least fifty percent (50%) of these teachers shall hold teacher licenses. All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services. The board may discharge teachers and nonlicensed employees."

PART VI. CHARTER SCHOOL TRANSPORTATION GRANT PILOT PROGRAM

SECTION 6.(a) Purpose; Definition. – The Department of Public Instruction (Department) shall establish the Charter School Transportation Grant Pilot Program (Program). The purpose of the Program shall be to award grant funds to a charter school meeting the requirements of subsection (b) of this section for the reimbursement of up to sixty-five percent (65%) of the eligible student transportation costs incurred by the school in accordance with the provisions of this section. For purposes of this section, the term "eligible student transportation costs" means costs incurred by the charter school for (i) transportation fuel, (ii) vehicle maintenance, (iii) contracted transportation services, and (iv) transportation personnel salaries.

SECTION 6.(b) Program Eligibility. – If a charter school has a student enrollment in a semester of the school year of at least fifty percent (50%) of its students either (i) residing in households with an income level not in excess of the amount required for a student to qualify for the federal free or reduced-price lunch program or (ii) qualifying as "identified students" under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, the charter school may apply to the Department for grant funds under the Program for reimbursement of up to sixty-five percent (65%) of the eligible student transportation costs incurred by the school for that semester.

SECTION 6.(c) Applications. – By August 1, 2021, the Department shall establish the criteria and guidelines for the grant application process for the upcoming school year, including any documentation required to be submitted with the application. The Department shall accept applications until December 31, 2021, for eligible student transportation costs incurred during the fall semester of the school year and until May 30, 2022, for eligible student transportation costs incurred during the spring semester of the school year.

SECTION 6.(d) Award of Funds. – From funds made available for the Program, the Department shall award grant funds under the Program to the selected charter schools by January 15, 2022, for eligible student transportation costs incurred during the fall semester of the school year and by June 15, 2022, for eligible student transportation costs incurred during the spring semester of the prior school year. The total amount of each grant awarded under the Program shall not exceed one hundred thousand dollars (\$100,000).

SECTION 6.(e) Reporting. – The Department shall provide a report by March 15, 2022, to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee, and the Joint Legislative Education Oversight Committee on the administration of the Program, including (i) the number of charter schools that received grant funds, (ii) the amount of grant funds awarded to those charter schools, (iii) whether implementing the Program has led to an increase in charter schools offering lunch, (iv) whether implementing the Program has led to an increase in student lunch participation at charter schools offering lunch, (v) whether implementing the Program has increased or expanded the offering of student transportation by charter schools, and (vi) the modes of student transportation offered by charter schools that received grant funds.

SECTION 6.(f) There is appropriated from the General Fund to the Department of Public Instruction the sum of two million five hundred thousand dollars (\$2,500,000) in nonrecurring funds for the 2021-2022 fiscal year to operate the Charter School Transportation Grant Pilot Program established pursuant to this section.

SECTION 6.(g) This section becomes effective July 1, 2021.

PART VII. ALL CHARTER SCHOOL TEACHERS MUST BE LICENSED BY THE STATE BOARD OF EDUCATION

SECTION 7.(a) G.S. 115C-218.90(a)(1), as amended by Section 5(d) of this act, reads as rewritten:

"(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers or contract with a charter management organization to employ and provide teachers to perform the particular service for which they are employed in the school; ~~at least fifty percent (50%) one hundred percent (100%)~~ of these teachers shall hold teacher licenses. ~~All teachers who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.~~

The board also may employ necessary employees who are not required to hold teacher licenses to perform duties other than teaching and may contract for other services. The board may discharge teachers and nonlicensed employees."

SECTION 7.(b) This section applies beginning with the 2021-2022 school year.

PART VIII. CHARTER SCHOOL OPENING AND CLOSING DATES

SECTION 8.(a) G.S. 115C-218.85(a) reads as rewritten:

"(a) Instructional Program. –

(1) The school shall provide instruction each year for at least 185 days or 1,025 hours over nine calendar months.

(1a) The school shall align its opening and closing dates for the school year with the opening and closing dates for the school year of the local school administrative unit in which the charter school is located.

(2) The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the charter.

(3) A charter school shall conduct the student assessments required by the State Board of Education.

(4) The school is subject to and shall comply with Article 9 of Chapter 115C of the General Statutes and The Individuals with Disabilities Education Improvements Act, 20 U.S.C. § 1400, et seq., (2004), as amended.

(5) A charter school shall provide financial literacy instruction as required by the State Board of Education pursuant to G.S. 115C-81.65, including required professional development for teachers of the EPF course."

SECTION 8.(b) This section applies beginning with the 2021-2022 school year.

PART IX. ANTI-BULLYING COMPLIANCE FOR CHARTER SCHOOLS

SECTION 9.(a) G.S. 115C-218.75(c) reads as rewritten:

"(c) Policy Against Bullying. – A charter school ~~is encouraged to~~ shall adopt a policy against bullying or harassing behavior, including cyber bullying, that is consistent with the provisions of Article 29C of this Chapter. ~~If a charter school adopts a policy to prohibit bullying~~

1 ~~and harassing behavior, the~~ The charter school shall, at the beginning of each school year, provide
2 the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8)."

3 **SECTION 9.(b)** This section applies beginning with the 2021-2022 school year.
4

5 **PART X. REVISE CHARTER SCHOOL APPLICATION REQUIREMENTS**

6 **SECTION 10.(a)** G.S. 115C-218.1 reads as rewritten:

7 "**§ 115C-218.1. Eligible applicants; contents of applications; submission of applications for**
8 **approval.**

9 (a) Any nonprofit corporation seeking to establish a charter school may apply to establish
10 a charter school. If the applicant seeks to convert a public school to a charter school, the
11 application shall include a statement signed by a majority of the teachers and instructional support
12 personnel currently employed at the school indicating that they favor the conversion and evidence
13 that a significant number of parents of children enrolled in the school favor conversion.

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

15 (1) A description of ~~a program the programs that implements one or more~~
16 implement each of the purposes in G.S. 115C-218. G.S. 115C-218(a).
17"

18 **SECTION 10.(b)** This section applies to applications for a new or renewed charter
19 submitted on or after the date this act becomes law.
20

21 **PART XI. ELIMINATE FAST-TRACK REPLICATION OF HIGH-QUALITY** 22 **CHARTER SCHOOLS**

23 **SECTION 11.(a)** G.S. 115C-218.3 is repealed.

24 **SECTION 11.(b)** This section applies to applications for a new charter school
25 submitted on or after the effective date of this act.
26

27 **PART XII. CHARTER SCHOOL TEACHING METHODS REPORT**

28 **SECTION 12.** G.S. 115C-218.110 reads as rewritten:

29 "**§ 115C-218.110. Notice of the charter school process; review of charter schools.**

30 (a) The State Board of Education shall distribute information announcing the availability
31 of the charter school process described in this Article to each local school administrative unit and
32 public postsecondary educational institution and, through press releases, to each major
33 newspaper in the State.

34 (a1) No later than February 15 of each year, each charter school shall report to the State
35 Board of Education on different and innovative teaching methods implemented by the charter
36 school pursuant to G.S. 115C-218(a)(3).

37 (b) The State Board of Education shall review and evaluate the educational effectiveness
38 of the charter schools authorized under this Article and the effect of charter schools on the public
39 schools in the local school administrative unit in which the charter schools are located. The Board
40 shall report annually no later than June 15 to the Joint Legislative Education Oversight
41 Committee on the following:

42 (1) The current and projected impact of charter schools on the delivery of services
43 by the public schools.

44 (2) Student academic progress in the charter schools as measured, where
45 available, against the academic year immediately preceding the first academic
46 year of the charter schools' operation.

47 (3) Best practices resulting from charter school operations, including
48 an analysis of the different and innovative teaching methods implemented by
49 charter schools and reported to the State Board pursuant to subsection (a1) of
50 this section.

51 (4) Other information the State Board considers appropriate."

PART XIII. REVISE CHARTER SCHOOL ENROLLMENT GROWTH REQUIREMENTS

SECTION 13. G.S. 115C-218.7(b) reads as rewritten:

"(b) ~~Enrollment growth of greater than twenty percent (20%)~~ Any enrollment growth beyond the enrollment amounts outlined in the charter shall be considered a material revision of the charter if the charter is currently identified as low performing. The State Board shall not approve a material revision for enrollment growth of greater than twenty percent (20%) for a charter that is currently identified as low performing. Enrollment growth of greater than thirty percent (30%) shall be considered a material revision of the charter for any charter school that is not identified as low performing. charter. The State Board may approve ~~such additional enrollment growth of greater than thirty-twenty percent (30%) (20%)~~ only if it finds all of the following:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.
- (3) The charter school is not currently identified as low-performing.
- (4) The charter school meets generally accepted standards of fiscal management.
- (5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board."

PART XIV. CHARTER SCHOOLS COMPLY WITH K-3 CLASS SIZE REQUIREMENTS

SECTION 14. G.S. 115C-218.75 is amended by adding a new subsection to read:

"(i) Class Size. – A charter school that enrolls students in all or part of kindergarten through grade three shall comply with the class size requirements provided in G.S. 115C-301."

PART XV. REQUIRE MEMBERS OF THE BOARD OF DIRECTORS OF A CHARTER SCHOOL TO RESIDE WITHIN THE STATE

SECTION 15. G.S. 115C-218.15(e) reads as rewritten:

"(e) ~~The~~ All members of the board of directors of the private nonprofit corporation operating the charter school ~~may have members who shall reside outside of within~~ the State. ~~However, the State Board of Education may require by policy that a majority of the board of directors and all officers of the board of directors reside within the State.~~"

PART XVI. EFFECTIVE DATE

SECTION 16. Except as otherwise provided, this act is effective when it becomes law.