

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

3

HOUSE BILL 334
Committee Substitute Favorable 4/21/15
Senate Education/Higher Education Committee Substitute Adopted 7/22/15

Short Title: Transfer Office of Charter Schools.

(Public)

Sponsors:

Referred to:

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE OFFICE OF CHARTER SCHOOLS LOCATED UNDER
THE STATE BOARD OF EDUCATION AND TO MODIFY THE CHARTER SCHOOL
ADVISORY BOARD.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-218 reads as rewritten:

**"§ 115C-218. Purpose of charter schools and schools; establishment of North Carolina
Charter Schools Advisory Board and North Carolina Office of Charter
Schools.**

(a) Purpose of Charter Schools. – The purpose of this Article 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;
- (5) Provide parents and students with expanded choices in the types of
educational opportunities that are available within the public school system;
and
- (6) Hold the schools established under this Article accountable for meeting
measurable student achievement results, and provide the schools with a
method to change from rule-based to performance-based accountability
systems.

(b) North Carolina Charter Schools Advisory Board. –

- (1) Advisory Board. – There is created the North Carolina Charter Schools
Advisory Board, hereinafter referred to in this Article as the Advisory
Board. The Advisory Board shall be located administratively ~~within the~~
~~Department of Public Instruction~~ under and shall report to the State Board of
Education.
- (2) Membership. – The State Superintendent of Public Instruction, or the
Superintendent's designee, shall be the secretary of the Advisory Board and a



* H 3 3 4 - V - 3 *

1 nonvoting member. The Chair of the State Board of Education shall appoint
2 a member of the State Board to serve as a nonvoting member of the
3 Advisory Board. The Advisory Board shall consist of the following 11
4 voting members:

- 5 a. Three members appointed by the ~~Governor, including the chair of the~~
6 ~~Advisory Board-Governor.~~
 - 7 b. Three members appointed by the General Assembly upon the
8 recommendation of the President Pro Tempore of the Senate, in
9 accordance with G.S. 120-121.
 - 10 c. Three members appointed by the General Assembly upon the
11 recommendation of the Speaker of the House of Representatives, in
12 accordance with G.S. 120-121.
 - 13 d. One member appointed by the State Board of ~~Education-Education~~
14 who is not a current member of the State Board of Education and
15 who is a charter school advocate in North Carolina.
 - 16 e. The Lieutenant Governor or the Lieutenant Governor's designee.
- 17 (3) Covered board. – The Advisory Board shall be treated as a board for
18 purposes of Chapter 138A of the General Statutes.
 - 19 (4) Qualifications of members. – Members appointed to the Advisory Board
20 shall collectively possess strong experience and expertise in public and
21 nonprofit governance, management and finance, assessment, curriculum and
22 instruction, public charter schools, and public education law. All appointed
23 members of the Advisory Board shall have demonstrated an understanding
24 of and a commitment to charter schools as a strategy for strengthening public
25 education.
 - 26 (5) Terms of office and vacancy appointments. – Appointed members shall
27 serve four-year terms of office beginning on July 1. No appointed member
28 shall serve more than eight consecutive years. Vacancy appointments shall
29 be made by the appointing authority for the remainder of the term of office.
 - 30 (6) Presiding officers and quorum. – The Advisory Board shall annually elect a
31 chair and vice-chair from among its membership. The chair shall preside
32 over the Advisory Board's meetings. In the absence of the chair, the
33 vice-chair shall preside over the Advisory Board's meetings. A majority of
34 the Advisory Board constitutes a quorum.
 - 35 (7) Meetings. – Meetings of the Advisory Board shall be held upon the call of
36 the chair or the vice-chair with the approval of the chair.
 - 37 (8) Expenses. – Members of the Advisory Board shall be reimbursed for travel
38 and subsistence expenses at the rates allowed to State officers and
39 employees by G.S. 138-6(a).
 - 40 (9) Removal. – Any appointed member of the Advisory Board may be removed
41 by a vote of at least two-thirds of the members of the Advisory Board at any
42 duly held meeting for any cause that renders the member incapable or unfit
43 to discharge the duties of the office.
 - 44 (10) Powers and duties. – The Advisory Board shall have the following duties:
 - 45 a. To make recommendations to the State Board of Education on the
46 adoption of rules regarding all aspects of charter school operation,
47 including time lines, standards, and criteria for acceptance and
48 approval of applications, monitoring of charter schools, and grounds
49 for revocation of charters.
 - 50 b. To review applications and make recommendations to the State
51 Board for final approval of charter applications.

- 1 c. To make recommendations to the State Board on actions regarding a
2 charter school, including renewals of charters, nonrenewals of
3 charters, and revocations of charters.
- 4 d. To undertake any other duties and responsibilities as assigned by the
5 State Board.
- 6 (11) Duties of the chair of the Advisory Board. – In addition to any other duties
7 prescribed in this Article, the chair of the Advisory Board or the chair's
8 designee shall advocate for the recommendations of the Advisory Board at
9 meetings of the State Board upon the request of the State Board.
- 10 (c) North Carolina Office of Charter Schools. –
- 11 (1) Establishment of the North Carolina Office of Charter Schools. – There is
12 established the North Carolina Office of Charter Schools, hereinafter
13 referred to in this Article as the Office of Charter Schools. The Office of
14 Charter Schools shall be located in the Office of the State Board of
15 Education. The Office of Charter Schools shall consist of an executive
16 director appointed by the State Board of Education and such other
17 professional, administrative, technical, and clerical personnel as may be
18 necessary to assist the Office of Charter Schools in carrying out its powers
19 and duties. The executive director shall serve at the pleasure of the State
20 Board of Education at a salary established by the State Board within the
21 funds appropriated for this purpose.
- 22 (2) Powers and duties. – The Office of Charter Schools shall have the following
23 powers and duties:
- 24 a. Serve as staff to the Advisory Board and fulfill any task and duties
25 assigned to it by the Advisory Board.
- 26 b. Provide technical assistance and guidance to charter schools
27 operating within the State.
- 28 c. Provide technical assistance and guidance to nonprofit corporations
29 seeking to operate charter schools within the State.
- 30 d. Provide or arrange for training for charter schools that have received
31 preliminary approval from the State Board.
- 32 e. Assist approved charter schools and charter schools seeking approval
33 from the State Board in coordinating services with the Department of
34 Public Instruction.
- 35 (3) Agency cooperation. – The Department of Public Instruction and all other
36 State agencies and departments shall cooperate with the Office of Charter
37 Schools in carrying out its powers and duties as necessary in accordance
38 with this Article."

39 **SECTION 1.(b)** The Office of Charter Schools within the Department of Public
40 Instruction is dissolved and the duties and functions of that office are transferred to the Office
41 of Charter Schools located in the Office of the State Board of Education, established under
42 G.S. 115C-218. This transfer shall have all of the elements of a Type I transfer, as defined in
43 G.S. 143A-6.

44 **SECTION 1.(c)** Within 90 days of the date this act becomes law, the State Board
45 of Education shall appoint an executive director of the Office of Charter Schools. The initial
46 appointment of the executive director shall be upon the recommendation to the State Board of
47 Education by a search committee comprised of the Lieutenant Governor, who will serve as
48 chair of the committee, the vice-chair of the State Board of Education, and one other member
49 of the State Board of Education appointed by the State Board of Education.

50 **SECTION 1.(d)** Notwithstanding G.S. 115C-218, as amended by subsection (a) of
51 this section, the current members serving on the North Carolina Charter School Advisory Board

1 as of the date this act becomes law shall serve the remainder of their terms. Thereafter, as terms
2 expire, or when a vacancy occurs prior to the expiration of a term, members on the Advisory
3 Board shall be appointed in accordance with G.S. 115C-218, as amended by subsection (a) of
4 this section.

5 **SECTION 2.** The Department of Public Instruction shall transfer to the Office of
6 the State Board of Education nine hundred twenty-eight thousand twenty-eight dollars
7 (\$928,028) for the 2015-2016 fiscal year and nine hundred twenty-eight thousand twenty-eight
8 dollars (\$928,028) for the 2016-2017 fiscal year for the transfer and administration of duties
9 and responsibilities of the Office of Charter Schools.

10 **SECTION 3.** G.S. 115C-218.5(a)(3) reads as rewritten:

11 "(3) Granting the application would achieve one or more of the purposes set out
12 in ~~G.S. 115C-269.1~~ G.S. 115C-218."

13 **SECTION 4.** This act is effective when it becomes law. The Chair of the State
14 Board of Education shall make the appointment to the North Carolina Charter Schools
15 Advisory Board of a nonvoting member as required by G.S. 115C-218(b)(2), as amended by
16 this act, within 45 days of the date this act becomes law. The North Carolina Charter Schools
17 Advisory Board shall elect a chair as required by G.S. 115C-218(b)(6), as amended by this act,
18 within 45 days of the date this act becomes law.