

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 334
Committee Substitute Favorable 4/21/15
Senate Education/Higher Education Committee Substitute Adopted 7/22/15
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Short Title: Transfer Office of Charter Schools.

(Public)

Sponsors:

Referred to:

March 25, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE OFFICE OF CHARTER SCHOOLS LOCATED UNDER
3 THE STATE BOARD OF EDUCATION; TO MODIFY THE CHARTER SCHOOL
4 ADVISORY BOARD; AND TO ENHANCE THE CHARTER SCHOOL APPLICATION
5 PROCESS.

6 The General Assembly of North Carolina enacts:

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

8 "§ 115C-218. Purpose of charter schools ~~and schools~~; establishment of North Carolina
9 Charter Schools Advisory ~~Board~~ Board and North Carolina Office of Charter
10 Schools.

11 (a) Purpose of Charter Schools. – The purpose of this Article is to authorize a system of
12 charter schools to provide opportunities for teachers, parents, pupils, and community members
13 to establish and maintain schools that operate independently of existing schools, as a method to
14 accomplish all of the following:

- 15 (1) Improve student learning;
16 (2) Increase learning opportunities for all students, with special emphasis on
17 expanded learning experiences for students who are identified as at risk of
18 academic failure or academically gifted;
19 (3) Encourage the use of different and innovative teaching methods;
20 (4) Create new professional opportunities for teachers, including the
21 opportunities to be responsible for the learning program at the school site;
22 (5) Provide parents and students with expanded choices in the types of
23 educational opportunities that are available within the public school system;
24 and
25 (6) Hold the schools established under this Article accountable for meeting
26 measurable student achievement results, and provide the schools with a
27 method to change from rule-based to performance-based accountability
28 systems.

29 (b) North Carolina Charter Schools Advisory Board. –

- 30 (1) Advisory Board. – There is created the North Carolina Charter Schools
31 Advisory Board, hereinafter referred to in this Article as the Advisory
32 Board. The Advisory Board shall be located administratively ~~within the~~
33 ~~Department of Public Instruction~~ under and shall report to the State Board of
34 Education.



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

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

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

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

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

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

12 **SECTION 2.5.(a)** G.S. 115C-218.1 is amended by adding a new subsection to
13 read:

14 "(d) As part of the application review process, the State Board of Education and the
15 North Carolina Charter Schools Advisory Board shall evaluate charter school applications for
16 approval or rejection based upon the content and substance of the applications to determine
17 whether boards of directors and charter schools may exhibit a higher likelihood of meeting the
18 requirements set forth in G.S. 115C-218.5(a). Format issues with an application shall not
19 impact the substantive review of the content of an application. The State Board of Education
20 and the Advisory Board shall provide timely notification to an applicant of any format issues or
21 incomplete information regarding the application and provide the applicant at least five
22 business days to correct those issues in the application. The Advisory Board shall permit an
23 applicant to address the Advisory Board regarding the application for at least 10 minutes
24 immediately prior to any final vote on an application."

25 **SECTION 2.5.(b)** This section is effective when it becomes law and applies to
26 initial applications for and the renewal of a charter on or after that date.

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

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

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