

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30327-MK-145A (03/21)

Short Title: Student Notice/Charter School Closure/Restr. (Public)

Sponsors: Representatives Saine, Conrad, and Hardister (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE STUDENT AND FAMILY FAIR NOTICE AND AN IMPACT
3 STATEMENT PRIOR TO THE CLOSING OR RESTRUCTURING OF A CHARTER
4 SCHOOL.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-218 reads as rewritten:

7 "§ 115C-218. Purpose of charter schools; definitions; establishment of North Carolina
8 Charter Schools Advisory Board and North Carolina Office of Charter
9 Schools.

10 ...

11 (a1) Definitions. – For the purposes of this Article, the following definitions apply:

12 (1) Notice. – A notice given by registered or certified mail, by signature
13 confirmation as provided by the United States Postal Service, or by
14 designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2)
15 with delivery receipt, shall be deemed to have been given on the delivery
16 date appearing on the return receipt, copy of the proof of delivery provided
17 by the United States Postal Service, or delivery receipt.

18 (2) Parent. – A parent or legal guardian.

19 (3) Significant restructuring. – Any action that requires the charter school to
20 change curriculum, enrollment, grades, or programs offered, leadership,
21 governing board composition, employment of more than one-third of its
22 teaching staff, or contractors for educational services.

23"

24 SECTION 2. Article 14A of Chapter 115C of the General Statutes is amended by
25 adding new sections to read:

26 "§ 115C-218.98. Notice prior to closure or significant restructuring of a charter school.

27 (a) Notice and Impact Statement. – In the event of a proposal to involuntarily or
28 voluntarily dissolve or significantly restructure a charter school, fair and timely notice shall be
29 provided to the parents of students of the charter school in accordance with this section and a
30 Student and Family Impact Statement shall be prepared by the State Board of Education or the
31 charter school intending to take the action in accordance with G.S. 115C-218.99.

32 (b) Notice of Action by the State Board of Education. – If a charter school receives any
33 communication from the State Board of Education initiating a process that could lead to the
34 dissolution, termination, revocation, nonrenewal, or significant restructuring as a condition of
35 continued operation, the charter school shall provide notice to the parents of all impacted
36 students within five days of receiving the communication. The notice shall include a copy of



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1 the communication received from the State Board of Education, any reasons or data used to
2 support the communication, and provide detailed information on the subsequent process,
3 including statutory requirements, related to operation of the charter school.

4 (c) Notice of Action by the Charter School. – If a charter school intends to dissolve and
5 surrender its charter or amend the charter to significantly restructure the school, the charter
6 school shall provide notice to the parents of all impacted students within five days of the board
7 of directors' resolution to dissolve or significantly restructure. The notice shall include reasons
8 for the decision to dissolve and surrender the charter or significantly restructure and provide
9 detailed information on the subsequent process, including statutory requirements, related to
10 operation of the charter school.

11 **"§ 115C-218.99. Student and Family Impact Statement.**

12 (a) Preparation of the Impact Statement. – Within 60 days of providing notice to parents
13 in accordance with G.S. 115C-218.98, the State Board of Education, if the State Board has
14 commenced an action against the charter school to involuntarily dissolve or significantly
15 restructure the charter school, or the charter school, if it intends to dissolve and surrender its
16 charter or amend the charter to significantly restructure, shall prepare a Student and Family
17 Impact Statement. The Student and Family Impact Statement shall be prepared after a
18 mandatory survey of the parents of all students enrolled in the charter school. The survey shall
19 be conducted in a manner that maximizes parental participation. The survey shall seek the input
20 of the parents on all issues that the Student and Family Impact Statement shall address pursuant
21 to subsection (b) of this section, including whether parents believe the charter school should be
22 closed, be significantly restructured, or remain available, the satisfaction level with the charter
23 school, individual parent opinion on the academic impact on the student if returned to the
24 assigned school, and individual reasons for choosing the charter school, and for students with
25 disabilities, detailed information on the level of service at the charter school and the assigned
26 school. If the State Board of Education is preparing the Student and Family Impact Statement,
27 it shall cooperate with the board of directors of the charter school in the preparation of the
28 Impact Statement.

29 (b) Contents of the Impact Statement. – The Student and Family Impact Statement shall
30 concisely describe and analyze the proposed action that has been noticed, which may have a
31 significant impact on students and families. The Impact Statement shall be made available to
32 the public for information and comment. At a minimum, the Impact Statement shall include the
33 following:

- 34 (1) A description of the proposed action, including the charter school's needs
35 and the benefits related to the action.
- 36 (2) A review of the potential impact on students in the charter school who are
37 proficient or are achieving academic growth greater than in their prior
38 educational setting.
- 39 (3) If the charter school were to close, a full review of the public school that
40 each student will be assigned to.
- 41 (4) A review of all similar charter schools in the State in terms of performance
42 and at-risk populations and an analysis of any actions taken related to other
43 similarly situated charter schools.
- 44 (5) An analysis of the population of students with disabilities enrolled in the
45 charter school and how needs will be met for those students should the
46 charter school be closed. The Impact Statement shall not include personally
47 identifiable information for individual students.
- 48 (6) A survey of the licensed teachers in the charter school regarding the impact
49 on their students should the charter school cease operating or be significantly
50 restructured.

- 1 (7) A review of the impact on the public school or schools where students will
2 be assigned if the charter school ceases to operate.
- 3 (8) To the extent the proposed action is based in part or whole upon
4 standardized test scores, a review of the participation in the tests and any
5 reliability issues, real or perceived, with the standardized tests relied upon.
- 6 (9) To the extent the proposed action is based in part or whole upon a
7 performance framework, a full review of the performance framework in
8 place for the school, the process for creating the performance framework,
9 and progress on any aspects of the performance framework.
- 10 (10) An analysis of reasonable alternatives to the proposed action.
- 11 (11) Identification of ways to reduce or avoid an adverse impact on students and
12 families and the analysis should include a separate section on the impact on
13 students with disabilities.

14 (c) Notice and Hearing on the Impact Statement. – Upon completion of the Student and
15 Family Impact Statement, a notice and a copy, or readily available access to a copy, of the
16 Impact Statement shall be provided to the parents of all impacted students. Within 60 days after
17 providing notice of the completed Student and Family Impact Statement, but no sooner than
18 within 15 days of the delivery of the notice, the State Board of Education or charter school, as
19 applicable, shall hold a public hearing at which any interested parents, school officials,
20 teachers, staff, or community members shall be allowed to present testimony on the findings of
21 the Impact Statement. Interested parties shall also be allowed to present expert testimony. If the
22 State Board prepared the Impact Statement, the board of directors of the charter school shall
23 also be allowed to present for consideration a student and school improvement plan in place of
24 the proposed action by the State Board.

25 (d) Delay of Action After Hearing. – The State Board of Education shall not take final
26 action to dissolve, terminate, revoke, nonrenew, or significantly restructure a charter school and
27 the charter school shall not dissolve and surrender its charter or amend its charter to
28 significantly restructure, except in the presence of imminent health or safety issues, until at
29 least 30 days after the hearing held in accordance with subsection (c) of this section."

30 **SECTION 3.** This act is effective when it becomes law and applies to actions
31 commenced to involuntarily or voluntarily dissolve or significantly restructure a charter school
32 on or after that date.