

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 955

Short Title: Charter Sch. Educ. Opportunity Act.

(Public)

Sponsors: Representative Wood.

Referred to: Education.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO INCREASE EDUCATIONAL OPPORTUNITY BY AUTHORIZING THE
CREATION AND FUNDING OF CHARTER SCHOOLS, WHICH ARE
DEREGULATED SCHOOLS UNDER PUBLIC CONTROL.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 115C of the General Statutes is amended by
adding a new Part to read:

"PART 6A. CHARTER SCHOOLS.

"§ 115C-238.29A. Intent.

(a) It is the intent of the General Assembly to provide opportunities for teachers,
parents, pupils, and community members to establish and maintain schools that operate
independently from existing local school administrative units, as a method to accomplish
the following:

(1) Improve pupil learning.

(2) Increase educational opportunity for all pupils.

(3) Encourage innovation and creativity in the classroom.

(4) Create new professional opportunities for teachers, including the
opportunity to be responsible for the learning program at the school site
as instructional leaders.

- 1 (5) Provide parents and pupils with expanded choices in the types of
2 educational opportunities that are available within the public school
3 system.
- 4 (6) Hold charter schools established under this Part accountable for meeting
5 measurable levels of pupil academic achievement and provide the
6 schools with a method to change from rule-based to performance- and
7 market-based accountability systems.
- 8 (7) Provide a mechanism for fiscal accountability to parents in order to
9 increase the percentage of money spent for direct instructional purposes
10 in the classroom.

11 **"§ 115C-238.29B. Establishment of charter schools.**

12 (a) The following public agencies are authorized to grant operating charters to
13 501(c)(3) nonprofit corporations for the purpose of operating elementary and secondary
14 schools pursuant to this Part: the State Board of Education, a local board of education, a
15 board of county commissioners, the board of trustees of a community college that serves
16 the local school administrative unit in which the charter school will be located, a board of
17 trustees of a constituent institution of The University of North Carolina, or a town or city
18 council.

19 (b) A charter petition shall include the following:

- 20 (1) A description of the education program of the school, whom the school
21 will educate, and its instructional philosophy.
- 22 (2) The measurable pupil academic achievement levels to be used by the
23 charter school.
- 24 (3) The governance structure of the school, including, but not limited to, the
25 process to be followed by the school to ensure parent involvement.
- 26 (4) The qualifications to be met by individuals to be employed by the
27 school.
- 28 (5) Admissions requirements and selection process. Educational
29 opportunity requires that oversubscription to a charter school be
30 resolved by lottery and admission requirements be limited to rejecting
31 applicants with prior criminal conduct. If a different selection process is
32 used or if additional admission requirements are used, the petition shall
33 include the means by which racial balance as reflected in the local
34 school administrative unit where the charter school will be located will
35 be achieved.
- 36 (6) The procedures that the school will follow to ensure the health and
37 safety of pupils and staff. These procedures shall include the
38 requirement that each employee of the school furnish the school with a
39 criminal record summary.
- 40 (7) The manner in which an annual audit of financial and programmatic
41 operations of the school are to be conducted.

1 (8) The manner by which qualified staff members of the charter school will
2 have coverage under the Teachers' and State Employees' Retirement
3 System.

4 (9) The procedures by which pupils can be suspended or expelled.

5 (c) In addition to other requirements imposed under this Part, a charter school
6 shall be nonsectarian in its programs, admission policies, employment practices and all
7 other operations, shall not charge tuition, and shall not discriminate against any pupil on
8 the basis of ethnicity, national origin, gender, or disability. Admission to a charter school
9 shall not be determined by residence except that the pupil's parent or legal guardian shall
10 be a legal resident of North Carolina.

11 (d) The public entity considering a charter petition may require that the petitioner
12 provide information regarding the proposed operation and potential effects of the school,
13 including, but not limited to, the facilities to be utilized by the school, the manner in
14 which administrative services of the school are to be provided, and provisions for
15 insurance against civil claims.

16 (e) Upon approval of the petition by a granting agency, the petitioner or petitioners
17 shall provide written notice of that approval, including a copy of the petition, to the State
18 Board of Education.

19 (f) A local school administrative unit may convert part of an existing school or all
20 of an existing school to a charter school under the following conditions:

21 (1) Fifty percent (50%) of the certificated personnel to be employed in that
22 charter school vote for the conversion.

23 (2) Provisions are made for parents who do not wish for their child to attend
24 a charter school.

25 (3) The charter petition contains all of the requirements set forth in
26 subsections (b) and (c) of this section.

27 (g) A charter granted for a period not to exceed five years. A charter may be
28 granted one or more subsequent renewals not to exceed five years each by the original
29 granting authority. A material revision of the provisions of a charter petition may be
30 made only with the approval of the authority that granted the charter.

31 (h) A charter may be revoked by the granting authority if it finds that the charter
32 school did any of the following:

33 (1) Committed a material violation of any of the conditions, standards, or
34 procedures set forth in the charter petition.

35 (2) Failed to meet or pursue any of the pupil outcomes identified in the
36 charter petition.

37 (3) Failed to meet generally accepted accounting standards of fiscal
38 management.

39 (4) Violated any provision of law.

40 **"§ 115C-238.29C. Charter school operation and funding.**

41 (a) A charter school shall comply with all of the provisions set forth in its charter
42 petition, but is otherwise exempt from the laws governing local school administrative
43 units except as specified in subsection (b) of this section.

1 **(b)** If a charter school chooses to participate in the Teachers' and State Employees'
2 Retirement System, all employees of the charter school who qualify for membership in
3 the system shall be covered under the system and participation will be in the same
4 manner as if the charter school were a public school in the local education agency where
5 the charter school is located.

6 **(c)** The State Board of Education shall make all of the following allocations to
7 each charter school for each fiscal year:

8 **(1)** An amount for each unit of average daily membership as if the charter
9 school were a local school administrative unit.

10 **(2)** For each pupil enrolled in the charter school who is entitled to special
11 education services, the State and federal funds for special education
12 services for that pupil that would have been apportioned for that pupil to
13 the local school administrative unit from which the charter petition was
14 submitted.

15 County commissioners may allocate a pupil's fair share of local supplement spending to
16 the charter school in which that pupil is enrolled."

17 Sec. 2. This act is effective upon ratification.