

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**HOUSE BILL 1042\***

Short Title: Clarify Charter School Application Process. (Public)

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Sponsors: Representative Howard (Primary Sponsor).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

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Referred to: Education.

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May 15, 2014

A BILL TO BE ENTITLED  
AN ACT TO CLARIFY THE PROCESS FOR REVIEW OF CHARTER APPLICATIONS BY  
THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD, TO REQUIRE  
ADOPTION OF RULES FOR THE CHARTER APPLICATION PROCESS, AND TO  
CLARIFY THE APPEALS PROCESS FOR DENIALS OF CHARTER APPLICATIONS,  
AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION  
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.29A(b) reads as rewritten:

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

(1) ~~{Advisory Board}~~ Advisory Board. – There is created the North Carolina Charter Schools Advisory Board, hereinafter referred to in this Part as the Advisory Board. The Advisory Board shall be located administratively within the Department of Public Instruction and shall report to the State Board of Education.

...  
(10) Powers and duties. – The Advisory Board shall have the following duties:

- a. To make recommendations to the State Board of Education on the adoption of rules regarding all aspects of charter school operation, including time lines, standards, and criteria for acceptance and approval of applications, monitoring of charter schools, and grounds for revocation of charters.
- b. To review applications and make recommendations to the State Board for final approval of charter applications.
- c. To make recommendations to the State Board on actions regarding a charter school, including renewals of charters, nonrenewals of charters, and revocations of charters.
- d. To undertake any other duties and responsibilities as assigned by the State Board.

(11) Application review and recommendation. – The Advisory Board application review and recommendation process shall include, at a minimum, the following:

- a. The Advisory Board shall make written decisions setting forth the grounds for an initial recommendation of denial of an application that includes specific factual support for the initial recommendation of



1 denial. The Advisory Board shall notify applicants in writing of the  
 2 initial recommendation of denial.

3 b. Within 10 business days of receipt of the initial recommendation of  
 4 denial, an applicant may respond to the Advisory Board in writing  
 5 regarding the initial recommendation and may provide supplemental  
 6 written information in response to the specific factual support  
 7 included in the initial recommendation. An applicant may request the  
 8 opportunity to address the Advisory Board at the next scheduled  
 9 meeting on the initial recommendation of denial, and the request  
 10 shall be granted by the Advisory Board if made by the applicant  
 11 within 10 days of notice of the written initial recommendation of  
 12 denial.

13 c. The Advisory Board shall make a final written recommendation of  
 14 approval or denial of all applicants that includes specific factual  
 15 support for the recommendation.

16 d. If, following receipt and consideration of any information provided  
 17 by the applicant pursuant to sub-subdivision b. of this subdivision,  
 18 the Advisory Board makes a written final recommendation of denial  
 19 for an application to the State Board, the Advisory Board shall notify  
 20 the applicant in writing. Within 10 business days of receipt of the  
 21 final recommendation of denial, an applicant may (i) submit  
 22 information in writing to the State Board regarding the final  
 23 recommendation of denial and may provide supplemental written  
 24 information in response to the specific factual support included in the  
 25 recommendation and (ii) petition the State Board for a hearing in the  
 26 discretion of the State Board to be held prior to consideration of final  
 27 approval of applications by the State Board."

28 **SECTION 2.** G.S. 115C-238.29B is amended by adding a new subsection to read:

29 "(f) The State Board of Education shall adopt rules in accordance with Article 2A of  
 30 Chapter 150B of the General Statutes regarding all aspects of charter school operation,  
 31 including time lines, standards, and criteria for acceptance and approval of applications,  
 32 monitoring of charter schools, and grounds for revocation of charters."

33 **SECTION 3.** G.S. 115C-238.29D reads as rewritten:

34 **"§ 115C-238.29D. Final approval of applications for charter schools.**

- 35 (a) The State Board may grant final approval of an application if it finds the following:  
 36 (i)(1) that the~~The~~ application meets the requirements set out in this Part and such  
 37 other requirements as may be adopted by the State Board of  
 38 Education, Education.  
 39 (ii)(2) that the~~The~~ applicant has the ability to operate the school and would be  
 40 likely to operate the school in an educationally and economically sound  
 41 manner, manner and  
 42 (iii)(3) that~~granting~~ Granting the application would achieve one or more of the  
 43 purposes set out in G.S. 115C-238.29A.

44 ~~The State Board shall act by January 15 of a calendar year on all applications and appeals it~~  
 45 ~~receives prior to a date established by the Office of Charter Schools for receipt of applications~~  
 46 ~~in the prior calendar year.~~ In reviewing applications for the establishment of charter schools  
 47 within a local school administrative unit, the State Board is encouraged to give preference to  
 48 applications that demonstrate the capability to provide comprehensive learning experiences to  
 49 students identified by the applicants as at risk of academic failure.

50 (a1) The State Board shall make final decisions on the approval or denial of applications  
 51 by June 15 of a calendar year on all applications it receives prior to a date established by the

1 Office of Charter Schools for receipt of applications in the prior calendar year. The State Board  
2 may make the final decision for approval contingent upon the successful completion of a  
3 planning year prior to enrollment of students. Final decisions of the State Board of Education  
4 denying a charter application may be appealed by commencement of a contested case in the  
5 Office of Administrative Hearings, as provided in Article 3 of Chapter 150B of the General  
6 Statutes.

7 ...."

8 **SECTION 4.** This act is effective when it becomes law and applies beginning with  
9 the 2014-2015 school year.