

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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HOUSE BILL 1084

Short Title: Charter Schools/Students with IEPs. (Public)

Sponsors: Representatives Insko and Glazier (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Appropriations.

May 19, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CHARTER SCHOOLS THAT SERVE A CERTAIN PERCENTAGE
3 OF ENROLLED STUDENTS WITH DISABILITIES TO USE AN ALTERNATIVE
4 ACCOUNTABILITY MODEL AND TO APPROPRIATE FUNDS TO IMPLEMENT
5 THE REQUIREMENTS OF THIS ACT.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 115C-238.29F(d) reads as rewritten:

8 "(d) Instructional Program. –

- 9 (1) The school shall provide instruction each year for at least 185 days or 1,025
10 hours over nine calendar months.
- 11 (2) The school shall design its programs to at least meet the student performance
12 standards adopted by the State Board of Education and the student
13 performance standards contained in the charter. A school that has a student
14 enrollment of at least thirty percent (30%) of students with disabilities, as
15 defined in G.S. 115C-106.3(1), who require individualized education
16 programs (IEPs) shall design an alternative accountability model to meet
17 State performance standards in accordance with the alternative
18 accountability guidelines adopted by the State Board of Education.
- 19 (3) A charter school shall conduct the student assessments required by the State
20 Board of Education.
- 21 (4) The school is subject to and shall comply with Article 9 of Chapter 115C of
22 the General Statutes and The Individuals with Disabilities Education
23 Improvements Act, 20 U.S.C. § 1400, et seq., (2004), as amended.
- 24 (5) The school is subject to and shall comply with Article 27 of Chapter 115C of
25 the General Statutes, except that a charter school may also exclude a student
26 from the charter school and return that student to another school in the local
27 school administrative unit in accordance with the terms of its charter after
28 due process."

29 **SECTION 2.** G.S. 115C-238.29G(a1) reads as rewritten:

30 "(a1) The State Board shall adopt criteria for adequate performance by a charter
31 school, including criteria specific to schools who design an alternative accountability
32 model under G.S. 115C-238.29F(d)(2), and shall identify charter schools with inadequate
33 performance. ~~The~~ Except for those schools with an alternative accountability model, the
34 criteria shall include a requirement that a charter school which demonstrates no growth in student



1 performance and has annual performance composites below sixty percent (60%) in any two
2 years in a three-year period is inadequate.

3 (1) If a charter school is inadequate in the first five years of the charter, the
4 charter school shall develop a strategic plan to meet specific goals for
5 student performance that are consistent with State Board criteria and the
6 mission approved in the charter school. The strategic plan shall be reviewed
7 and approved by the State Board. The State Board is authorized to terminate
8 or not renew a charter for failure to demonstrate improvement under the
9 strategic plan.

10 (2) If a charter school is inadequate and has had a charter for more than five
11 years, the State Board is authorized to terminate, not renew, or seek
12 applicants to assume the charter through a competitive bid process
13 established by the State Board. The State Board shall develop rules on the
14 assumption of a charter by a new entity that include all aspects of the
15 operations of the charter school, including the status of the employees.
16 Public assets would transfer to the new entity and not revert to the local
17 school administrative unit in which the charter school is located pursuant to
18 G.S. 115C-238.29F(i)."

19 **SECTION 3.** The State Board of Education, in conjunction with the Office of
20 Charter Schools and the Department of Public Instruction, Exceptional Children Division, shall
21 develop (i) alternative accountability model guidelines for charter schools that enroll at least
22 thirty percent (30%) of students with disabilities, as defined in G.S. 115C-106.3(1), who
23 require individualized education programs (IEPs) and (ii) criteria for adequate performance for
24 charter schools that design an alternative accountability model under G.S. 115C-238.29F(d), as
25 amended by this act, in order to meet State student performance standards. The State Board
26 shall adopt the guidelines and criteria required by this act by January 1, 2015.

27 **SECTION 4.** There is appropriated from the General Fund to the Department of
28 Public Instruction, Office of Charter Schools, the sum of fifty-three thousand dollars (\$53,000)
29 for the 2014-2015 fiscal year in recurring funds to fund an additional one-half consultant
30 position in the Office of Charter Schools to implement the requirements of this act.

31 **SECTION 5.** Section 4 of this act is effective July 1, 2014. The remainder of this
32 act is effective when the act becomes law and applies beginning with the 2015-2016 school
33 year.