A BILL TO BE ENTITLED
AN ACT TO CREATE THE NORTH CAROLINA PUBLIC SCHOOL CHARTER BOARD
AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. (a) Article 16 of Chapter 115C of the General Statutes is amended by adding a new section to read:

(a) Creation. – There is created the North Carolina Public Charter Schools Board, hereinafter referred to in this Part as the Charter Board. The Charter Board shall be located administratively within the Department of Public Instruction but shall exercise its powers and duties independently of the State Board of Education and Department of Public Instruction, except as provided in this section.

(b) Purpose. – The purpose of the Charter Board is to authorize and oversee high-quality public charter schools throughout the State, consistent with the purposes of this Part, and to exercise authority for approval of any charter applicant.

(c) Membership. – The State Superintendent of Public Instruction shall be the secretary of the Charter Board and a nonvoting member. The Charter Board shall consist of the following 11 voting members:

(1) Three members appointed by the Governor.

(2) Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.

(3) Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121.

(4) The State Treasurer.

(5) The Lieutenant Governor.

(d) Qualifications of Members. – Members appointed to the Charter Board shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction, public charter schools, and public education law. All appointed members of the Charter Board shall have demonstrated an understanding of and a commitment to charter schools as a strategy for strengthening public education.

(e) Terms of Office and Vacancy Appointments. – Appointed members shall serve four-year terms of office beginning on July 1. No appointed member shall serve more than
eight consecutive years. Vacancy appointments shall be made by the appointing authority for
the remainder of the term of office.

(f) Officers. – The Charter Board shall annually elect a chair and a vice-chair from
among its membership. In the absence of the chair, the vice-chair shall preside over the Charter
Board's meetings. All members are voting members, and a majority of the Charter Board
constitutes a quorum. The Charter Board shall adopt rules to govern its proceedings.

(g) Meetings. – Meetings of the Charter Board shall be held upon the call of the chair or
the vice-chair with the approval of the chair.

(h) Expenses. – Members of the Charter Board shall be reimbursed for travel and
subsistence expenses at the rates allowed to State officers and employees by G.S. 138-6(a).

(i) Removal. – Any member of the Charter Board, other than the Superintendent of
Public Instruction and Lieutenant Governor, may be removed by a vote of at least two-thirds of
the members of the Charter Board at any duly held meeting for any cause that renders the
member incapable or unfit to discharge the duties of the office.

(j) Office of Charter Schools. – The Office of Charter Schools shall be the principal
administrative unit under the direction of the Charter Board. The Department of Public
Instruction shall provide staff, offices, office equipment, and meeting space to the Charter
Board and Office of Charter Schools.

(k) Powers and Duties. – The Charter Board shall have the following duties:

1. To provide technical assistance, through the Office of Charter Schools and
   the Department of Public Instruction, to charter school applicants and to
   charter schools that are approved under this Part.

2. To adopt rules in accordance with Article 2A of Chapter 150B of the
   General Statutes 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.

3. To oversee the process for accepting and approving applications for charters
   and to make final approval of charter applications.

4. To oversee the process for monitoring the operation of charter schools with
   the assistance and counsel of staff from the Department of Public
   Instruction.

5. To take any actions regarding a charter school, including renewals of
   charters, nonrenewals of charters, and revocation of charters.

6. To undertake any duties and responsibilities consistent with the above
   powers and duties and incident thereto.

(l) The State Board shall have the authority to veto by a three-fourths vote any action
adopted by vote of the Charter Board if the State Board's veto vote is taken within 45 days of
the date the Charter Board voted to adopt the action.

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

"§ 115C-238.29B. Eligible applicants; contents of applications; submission of applications
for approval.

(a) Any person, group of persons, or nonprofit corporation seeking to establish a charter
school may apply to the Charter Board to establish a charter school. If the applicant seeks to
convert a public school to a charter school, the application shall include a statement signed by a
majority of the teachers and instructional support personnel currently employed at the school
indicating that they favor the conversion and evidence that a significant number of parents of
children enrolled in the school favor conversion.

(b) The application shall contain at least the following information:

1. A description of a program that implements one or more of the purposes in
   G.S. 115C-238.29A.
(2) A description of student achievement goals for the school’s educational program and the method of demonstrating that students have attained the skills and knowledge specified for those student achievement goals.

(3) The governance structure of the school including the names of the proposed initial members of the board of directors of the nonprofit, tax-exempt corporation and the process to be followed by the school to ensure parental involvement.

(3a) The local school administrative unit in which the school will be located.

(4) Admission policies and procedures.

(5) A proposed budget for the school and evidence that the financial plan for the school is economically sound.

(6) Requirements and procedures for program and financial audits.

(7) A description of how the school will comply with G.S. 115C-238.29F.

(8) Types and amounts of insurance coverage, including bonding insurance for the principal officers of the school, to be obtained by the charter school.

(9) The term of the charter.

(10) The qualifications required for individuals employed by the school.

(11) The procedures by which students can be excluded from the charter school and returned to a public school. Notwithstanding any law to the contrary, any local board may refuse to admit any student who is suspended or expelled from a charter school due to actions that would lead to suspension or expulsion from a public school under G.S. 115C-390.5 through G.S. 115C-390.11 until the period of suspension or expulsion has expired.

(12) The number of students to be served, which number shall be at least 65, and the minimum number of teachers to be employed at the school, which number shall be at least three. However, the charter school may serve fewer than 65 students or employ fewer than three teachers if the application contains a compelling reason, such as the school would serve a geographically remote and small student population.

(13) Information regarding the facilities to be used by the school and the manner in which administrative services of the school are to be provided.

(14) Repealed by Session Laws 1997-430, s. 1.

(c) An applicant shall submit the application to a chartering entity for preliminary approval. A chartering entity may be:

(1) The local board of education of the local school administrative unit in which the charter school will be located;

(2) The board of trustees of a constituent institution of The University of North Carolina, so long as the constituent institution is involved in the planning, operation, or evaluation of the charter school; or

(3) The State Board of Education.

Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education shall have final approval of the charter school.

Notwithstanding the provisions of this subsection, if the State Board of Education finds that an applicant (i) submitted an application to a local board of education and received final approval from the State Board of Education, but (ii) is unable to find a suitable location within that local school administrative unit to operate, the State Board of Education may authorize the charter school to operate within an adjacent local school administrative unit for one year only. The charter school cannot operate for more than one year unless it reapplies, in accordance with subdivision (1), (2), or (3) of this subsection, and receives final approval from the State Board of Education.
(d) Unless an applicant submits its application under subsection (c) of this section to the local board of education of the local school administrative unit in which the charter school will be located, the applicant shall submit a copy of its application to that local board within seven days of its submission under subsection (c) of this section. The local board may offer any information or comment concerning the application it considers appropriate to the chartering entity. The local board shall deliver this information to the chartering entity no later than January 1 of the next calendar year. The applicant shall not be required to obtain or deliver this information to the chartering entity on behalf of the local board. The State Board shall consider any information or comment it receives from a local board and shall consider the impact on the local school administrative unit's ability to provide a sound basic education to its students when determining whether to grant preliminary and final approval of the charter school.

(e) The Charter Board shall establish reasonable fees for initial and renewal charter applications in accordance with Article 2A of Chapter 150B of the General Statutes. The fees collected under this section shall be placed in a special fund to be designated the "Charter Application Fund" and shall be used under the supervision and direction of the Charter Board for the administration of this Part. No application fee shall be refunded in the event the application is rejected or the charter is revoked.

SECTION 1. (c) G.S. 115C-238.29C is repealed.

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

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

(a) The State Charter Board may grant final approval of an application if it finds (i) that the application meets the requirements set out in this Part and such other requirements as may be adopted by the State Board of Education—State Charter Board, (ii) that the applicant has the ability to operate the school and would be likely to operate the school in an educationally and economically sound manner, and (iii) that granting the application would achieve one or more of the purposes set out in G.S. 115C-238.29A. The State Board shall act by March 15 of a calendar year on all applications and appeals it receives prior to February 15 of that calendar year. In reviewing applications for the establishment of charter schools within a local school administrative unit, the Charter Board is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure.

(b) Repealed by Session Laws 2011-164, s. 2(a), effective July 1, 2011.

(c) The State Charter Board of Education may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. The State Board Funds shall not allocate any funds be allocated to the school until the school has obtained space.

(d) The State Charter Board of Education may grant the initial charter for a period not to exceed 10 years and may renew the charter upon the request of the chartering entity charter school for subsequent periods not to exceed 10 years each. The State Charter Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education—Charter Board.

It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Charter Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to twenty percent (20%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Charter Board may approve such additional enrollment growth of greater than twenty percent (20%) only if the State Charter Board finds that all of the following:
The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.

The charter school has commitments for ninety percent (90%) of the requested maximum growth.

The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth would have on the unit’s ability to provide a sound basic education to its students.

The charter school is not currently identified as low-performing.

The charter school meets generally accepted standards of fiscal management.

It is otherwise appropriate to approve the enrollment growth.

"§ 115C-238.29E. Charter school operation.

(a) A charter school that is approved by the State shall be a public school within the local school administrative unit in which it is located. It shall be accountable to the local board of education if it applied for and received preliminary approval from that local board for purposes of ensuring compliance with applicable laws and the provisions of its charter. All other charter schools shall be accountable to the State Charter Board for ensuring compliance with applicable laws and the provisions of their charters, except that any of these charter schools may agree to be accountable to the local board of the school administrative unit in which the charter school is located rather than to the State Board of Education.

(b) A charter school shall be operated by a private nonprofit corporation that shall have received federal tax-exempt status no later than 24 months following final approval of the application.

(c) A charter school shall operate under the written charter signed by the entity to which it is accountable under subsection (a) of this section and the applicant. A charter school is not required to enter into any other contract. The charter shall incorporate the information provided in the application, as modified during the charter approval process, and any terms and conditions imposed on the charter school by the State Charter Board of Education. No other terms may be imposed on the charter school as a condition for receipt of local funds.

(d) The board of directors of the charter school shall decide matters related to the operation of the school, including budgeting, curriculum, and operating procedures.

(e) A charter school’s specific location shall not be prescribed or limited by a local board or other authority except a zoning authority. The school may lease space from a local board of education or as is otherwise lawful in the local school administrative unit in which the charter school is located. If a charter school leases space from a sectarian organization, the charter school classes and students shall be physically separated from any parochial students, and there shall be no religious artifacts, symbols, iconography, or materials on display in the charter school’s entrance, classrooms, or hallways. Furthermore, if a charter school leases space from a sectarian organization, the charter school shall not use the name of that organization in the name of the charter school.

At the request of the charter school, the local board of education of the local school administrative unit in which the charter school will be located shall lease any available building or land to the charter school for one dollar ($1.00) per year unless the board demonstrates that the lease is not economically or practically feasible or that the local board does not have adequate classroom space to meet its enrollment needs.
 facility to a charter school for one dollar ($1.00) per year, the charter school is responsible for
the maintenance of and insurance for the school facility.

(f) Except as provided in this Part and pursuant to the provisions of its charter, a charter
school is exempt from statutes and rules applicable to a local board of education or local school
administrative unit."

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

"§ 115C-238.29F. General requirements.

(a) Health and Safety Standards. – A charter school shall meet the same health and
safety requirements required of a local school administrative unit. The Department of Public
Instruction shall ensure that charter schools provide parents and guardians with information
about meningococcal meningitis and influenza and their vaccines at the beginning of every
school year. This information shall include the causes, symptoms, and how meningococcal
meningitis and influenza are spread and the places where parents and guardians may obtain
additional information and vaccinations for their children.

The Department of Public Instruction shall also ensure that charter schools provide parents
and guardians with information about cervical cancer, cervical dysplasia, human
papillomavirus, and the vaccines available to prevent these diseases. This information shall be
provided at the beginning of the school year to parents of children entering grades five through
12. This information shall include the causes and symptoms of these diseases, how
they are transmitted, how they may be prevented by vaccination, including the benefits and
possible side effects of vaccination, and the places where parents and guardians may obtain
additional information and vaccinations for their children.

The Department of Public Instruction shall also ensure that charter schools provide students
in grades nine through 12 with information annually on the manner in which a parent may
lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

The Department of Public Instruction shall also ensure that the guidelines for individual
diabetes care plans adopted by the State Board of Education under G.S. 115C-12(31) are
implemented in charter schools in which students with diabetes are enrolled and that charter
schools otherwise comply with the provisions of G.S. 115C-375.3.

(b) School Nonsectarian. – A charter school shall be nonsectarian in its programs,
admission policies, employment practices, and all other operations and shall not charge tuition
or fees, except that a charter school may charge any fees that are charged by the local school
administrative unit in which the charter school is located. A charter school shall not be
affiliated with a nonpublic sectarian school or a religious institution.

(c) Civil Liability and Insurance. –

(1) The board of directors of a charter school may sue and be sued. The State
Charter Board of Education shall adopt rules to establish reasonable amounts
and types of liability insurance that the board of directors shall be required
by the charter to obtain. The board of directors shall obtain at least the
amount of and types of insurance required by these rules to be included in
the charter. Any sovereign immunity of the charter school, of the
organization that operates the charter school, or its members, officers, or
directors, or of the employees of the charter school or the organization that
operates the charter school, is waived to the extent of indemnification by
insurance.

(2) No civil liability shall attach to any chartering entity, the Charter Board, to
the State Board of Education, or to any of their members or employees,
individually or collectively, for any acts or omissions of the charter school.

(d) Instructional Program. –

(1) The school shall provide instruction each year for at least 185 days or 1,025
hours over nine calendar months.
(2) The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the charter.

(3) A charter school shall conduct the student assessments required for charter schools by the State Board of Education.

(4) The school is subject to and shall comply with Article 9 of Chapter 115C of the General Statutes and The Individuals with Disabilities Education Improvements Act, 20 U.S.C. § 1400, et. seq., (2004), as amended, and shall comply with policies adopted by the State Board of Education for charter schools relating to the education of children with disabilities.

(5) The school is subject to and shall comply with Article 27 of Chapter 115C of the General Statutes, except that a charter school may also exclude a student from the charter school and return that student to another school in the local school administrative unit in accordance with the terms of its charter after due process.

(d1) Reading Proficiency and Student Promotion. –

(1) Students in the third grade shall be retained if the student fails to demonstrate reading proficiency by reading at or above the third grade level as demonstrated by the results of the State-approved standardized test of reading comprehension administered to third grade students. The charter school shall provide reading interventions to retained students to remediate reading deficiency, which may include 90 minutes of daily, uninterrupted, evidence-based reading instruction, accelerated reading classes, transition classes containing third and fourth grade students, and summer reading camps.

(2) Students may be exempt from mandatory retention in third grade for good cause but shall continue to receive instructional supports and services and reading interventions appropriate for their age and reading level. Good cause exemptions shall be limited to the following:
   a. Limited English Proficient students with less than two years of instruction in an English as a Second Language program.
   b. Students with disabilities, as defined in G.S. 115C-106.3(1), whose individualized education program indicates the use of alternative assessments and reading interventions.
   c. Students who demonstrate reading proficiency appropriate for third grade students on an alternative assessment of reading comprehension. The charter school shall notify the State Board of Education of the alternative assessment used to demonstrate reading proficiency.
   d. Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for third grade students.
   e. Students who have (i) received reading intervention and (ii) previously been retained more than once in kindergarten, first, second, or third grades.

(3) The charter school shall provide notice to parents and guardians when a student is not reading at grade level. The notice shall state that if the student's reading deficiency is not remediated by the end of third grade, the student shall be retained unless he or she is exempt from mandatory retention for good cause. Notice shall also be provided to parents and guardians of any student who is to be retained under this subsection of the reason the student is not eligible for a good cause exemption, as well as a
description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency.

(4) The charter school shall annually publish on the charter school’s Web site and report in writing to the State Board of Education by September 1 of each year the following information on the prior school year:

a. The number and percentage of third grade students demonstrating and not demonstrating reading proficiency on the State-approved standardized test of reading comprehension administered to third grade students.

b. The number and percentage of third grade students not demonstrating reading proficiency and who do not return to the charter school for the following school year.

c. The number and percentage of third grade students who take and pass the alternative assessment of reading comprehension.

d. The number and percentage of third grade students retained for not demonstrating reading proficiency.

e. The number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in subdivision (2) of this subsection.

(e) Employees. –

(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school’s board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. All teachers in grades six through 12 who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates. The board also may employ necessary employees who are not required to hold teacher certificates or licenses to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees.

(2) No local board of education shall require any employee of the local school administrative unit to be employed in a charter school.

(3) If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at a charter school, the local school administrative unit shall grant the leave for one year. For the initial year of a charter school’s operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of a charter school’s operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision. A teacher who has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of
absence or upon the end of employment at the charter school if an
appropriate position is available. If an appropriate position is unavailable,
the teacher's name shall be placed on a list of available teachers and that
teacher shall have priority on all positions for which that teacher is qualified
in accordance with G.S. 115C-325(e)(2).

(4) The employees of the charter school shall be deemed employees of the local
school administrative unit for purposes of providing certain State-funded
employee benefits, including membership in the Teachers' and State
Employees' Retirement System and the State Health Plan for Teachers and
State Employees. The State Board of Education provides funds to charter
schools. Charter Board approves the original members of the boards of
directors of the charter schools, has the authority to grant, supervise, and
revoke charters, and demands full accountability from charter schools for
school finances and student performance. Accordingly, it is the
determination of the General Assembly that charter schools are public
schools and that the employees of charter schools are public school
employees. Employees of a charter school whose board of directors elects to
become a participating employer under G.S. 135-5.3 are "teachers" for the
purpose of membership in the North Carolina Teachers' and State
Employees' Retirement System. In no event shall anything contained in this
Part require the North Carolina Teachers' and State Employees' Retirement
System to accept employees of a private employer as members or
participants of the System.

(5) Education employee associations shall have equal access to charter school
employees as provided in G.S. 115C-335.9.

(6) Each charter school board of directors shall adopt a policy on whether and
under what circumstances an applicant for employment shall be required to
be checked for a criminal history before the applicant is given an
unconditional job offer. Each charter school board of directors shall apply its
policy uniformly in requiring applicants for employment to be checked for a
criminal history. A charter school board of directors that requires a criminal
history check for an applicant may employ an applicant conditionally while
the board is checking the person's criminal history and making a decision
based on the results of the check.

(f) Accountability. –

(1) The school is subject to the financial audits, the audit procedures, and the
audit requirements adopted by the State Charter Board of Education for
charter schools. These audit requirements may include the requirements of
the School Budget and Fiscal Control Act.

(2) The school shall comply with the reporting requirements established by the
State Board of Education in the Uniform Education Reporting
System, except that reports shall be made to the Charter Board as
well as the State Board of Education.

(3) The school shall report at least annually to the chartering entity and the
State Charter Board of Education the information required by the chartering
entity or the State Charter Board.

(g) Admission Requirements. –

(1) Any child who is qualified under the laws of this State for admission to a
public school is qualified for admission to a charter school.

(2) No local board of education shall require any student enrolled in the local
school administrative unit to attend a charter school.
(3) Admission to a charter school shall not be determined according to the school attendance area in which a student resides, except that any local school administrative unit in which a public school converts to a charter school shall give admission preference to students who reside within the former attendance area of that school.

(4) Admission to a charter school shall not be determined according to the local school administrative unit in which a student resides.

(5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year and to children of the school's principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school’s board of directors, so long as (i) these children are limited to no more than ten percent (10%) of the school’s total enrollment or to 20 students, whichever is less, and (ii) the charter school is not a former public or private school. If multiple birth siblings apply for admission to a charter school and a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school shall enter one surname into the lottery to represent all of the multiple birth siblings. If that surname of the multiple birth siblings is selected, then all of the multiple birth siblings shall be admitted. Within one year after the charter school begins operation, the population of the school shall make efforts to reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit.

(6) During each period of enrollment, the charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students shall be accepted by lot. Once enrolled, students are not required to reapply in subsequent enrollment periods.

(7) Notwithstanding any law to the contrary, a charter school may refuse admission to any student who has been expelled or suspended from a public school under G.S. 115C-390.5 through G.S. 115C-390.11 until the period of suspension or expulsion has expired.

(h) Transportation. – The charter school may provide transportation for students enrolled at the school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and
one-half miles of the charter school. A local board may charge the charter school a reasonable
charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local
board may refuse to provide transportation under this subsection if it demonstrates there is no
available space on buses it intends to operate during the term of the contract or it would not be
practically feasible to provide this transportation.

(i) Assets. – Upon dissolution of the charter school or upon the nonrenewal of the
charter, all net assets of the charter school purchased with public funds shall be deemed the
property of the local school administrative unit in which the charter school is located. State
assets shall be returned to the General Fund.

(j) Driving Eligibility Certificates. – In accordance with rules adopted by the State
Board of Education, the designee of the school’s board of directors shall do all of the following:
(1) Sign driving eligibility certificates that meet the conditions established in
G.S. 20-11.
(2) Obtain the necessary written, irrevocable consent from parents, guardians, or
emancipated juveniles, as appropriate, in order to disclose information to the
Division of Motor Vehicles.
(3) Notify the Division of Motor Vehicles when a student who holds a driving
eligibility certificate no longer meets its conditions.

(k) The Display of the United States and North Carolina Flags and the Recitation of the
Pledge of Allegiance. – A charter school shall (i) display the United States and North Carolina
flags in each classroom when available, (ii) require the recitation of the Pledge of Allegiance on
a daily basis, and (iii) provide age-appropriate instruction on the meaning and historical origins
of the flag and the Pledge of Allegiance. A charter school shall not compel any person to stand,
salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise
available, flags shall be displayed in each classroom.

(l) North Carolina School Report Cards. – A charter school shall ensure that the report
card issued for it by the State Board of Education receives wide distribution to the local press
or is otherwise provided to the public. A charter school shall ensure that the overall school
performance score and grade earned by the charter school for the current and previous four
school years is prominently displayed on the school Web site. If a charter school is awarded a
grade of D or F, the charter school shall provide notice of the grade in writing to the parent or
guardian of all students enrolled in that school."

SECTION 1.(g) G.S. 115C-238.29G reads as rewritten:
§ 115C-238.29G. Causes for nonrenewal or termination; disputes.
(a) The State Board of Education, or a chartering entity subject to the approval of the
State Board of Education, Charter Board may terminate or not renew a charter, terminate, not
renew, or seek applicants to assume the charter through a competitive bid process established
by the Charter Board upon any of the following grounds:
(1) Failure to meet the requirements for student performance contained in the
charter;
(2) Failure to meet generally accepted standards of fiscal management;
(3) Violations of law;
(4) Material violation of any of the conditions, standards, or procedures set forth
in the charter;
(5) Two-thirds of the faculty and instructional support personnel at the school
request that the charter be terminated or not renewed; or
(6) Other good cause identified.
(a1) The State Charter Board shall adopt criteria for adequate performance by a charter
school and shall identify charter schools with inadequate performance. The criteria shall
include a requirement that a charter school which demonstrates no growth in student
performance and has annual performance composites below sixty percent (60%) in any two years in a three-year period is inadequate.

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

(2) If a charter school is inadequate and has had a charter for more than five years, the State Charter Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the Charter Board. The Charter Board shall develop rules on the assumption of a charter by a new entity that include all aspects of the operations of the charter school including the status of the employees. Public assets would transfer to the new entity and not revert to the General Fund pursuant to G.S. 115C-238.29F(i).

(b) The State Charter Board shall develop and implement a process to address contractual and other grievances between a charter school and its chartering entity or the local board of education during the time of its charter.

(c) The State Charter Board and the charter school are encouraged to make a good-faith attempt to resolve the differences that may arise between them. They may agree to jointly select a mediator. The mediator shall act as a neutral facilitator of disclosures of factual information, statements of positions and contentions, and efforts to negotiate an agreement settling the differences. The mediator shall, at the request of either the State Charter Board or a charter school, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators. The mediator may determine that an impasse exists and discontinue the mediation at any time. The mediator shall not make any recommendations or public statement of findings or conclusions. The State Charter Board and the charter school shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes."

SECTION 1.(h) G.S. 115C-238.29H reads as rewritten:

"§ 115C-238.29H. State and local funds for a charter school.

(a) The State Board of Education shall allocate to each charter school:

(1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for children with limited English proficiency;
(2) An additional amount for each child attending the charter school who is a child with disabilities; and
(3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with G.S. 115C-238.29I(d), the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with disabilities leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with disabilities enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with disabilities.

(a1) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities or equipment. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State sources.

(b) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil share of the local current expense appropriation to fund of the local school administrative unit for the fiscal year. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides. The per pupil share of the local current expense fund must be transferred to the charter school within 30 days of the receipt of monies into the local current expense fund.

(b1) The local school administrative unit shall also provide each charter school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (b) of this section:

(1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).
(2) The student membership numbers used to calculate the per pupil share of the local current expense fund.
(3) How the per pupil share of the local current expense fund was calculated.

(c) The court shall award the prevailing party in an action to enforce the provisions of subsection (b) of this section its reasonable attorneys' fees and costs incurred in bringing such an action, plus interest at the legal rate as provided in G.S. 24-1 from and after the date that any such amounts should have otherwise been paid to the charter school for a fiscal year. The court shall order any delinquent funds, costs, fees, and interest to be paid in full within three years from the entry of any judgment. This subsection shall apply to any final judgment entered from and after the effective date of this subsection."

SECTION 1. (i) G.S. 115C-238.29I reads as rewritten:

"§ 115C-238.29I. Notice of the charter school process; review of charter schools; Charter School Advisory Committee; schools.
(a) The State Board of Education shall distribute information announcing the availability of the charter school process described in this Part to each local school administrative unit and public postsecondary educational institution and, through press releases, to each major newspaper in the State.

(b) Repealed by Session Laws 1997-18, s. 15(i).

(c) The State Board of Education shall review and evaluate the educational effectiveness of the charter school approach schools authorized under this Part and the effect of charter schools on the public schools in the local school administrative unit in which the charter schools are located. The Board shall report annually no later than January 1, 2002, to the Joint Legislative Education Oversight Committee with recommendations to modify, expand, or terminate that approach. The Board shall base its recommendations predominantly on the following information:

1. The current and projected impact of charter schools on the delivery of services by the public schools.
2. Student academic progress in the charter schools as measured, where available, against the academic year immediately preceding the first academic year of the charter schools’ operation.
3. Best practices resulting from charter school operations.
4. Other information the State Board considers appropriate.

(d) The State Board of Education may establish a Charter School Advisory Committee to assist with the implementation of this Part. The Charter School Advisory Committee may (i) provide technical assistance to chartering entities or to potential applicants, (ii) review applications for preliminary approval, (iii) make recommendations as to whether the State Board should approve applications for charter schools, (iv) make recommendations as to whether the State Board should terminate or not renew a charter, (v) make recommendations concerning grievances between a charter school and its chartering entity, the State Board, or a local board, (vi) assist with the review under subsection (c) of this section, and (vii) provide any other assistance as may be required by the State Board.

(e) Notwithstanding the dates set forth in this Part, the State Board of Education may establish an alternative time line for the submission of applications, preliminary approvals, criminal record checks, appeals, and final approvals so long as the Board grants final approval by March 15 of each calendar year.

SECTION 1. G.S. 115C-238.29J is repealed.

SECTION 1. G.S. 115C-238.29K is repealed.

SECTION 2. (a) G.S. 115C-426(c) reads as rewritten:

"(c) The uniform budget format shall require the following funds:

1. The State Public School Fund.
2. The local current expense fund.
3. The capital outlay fund.

In addition, other funds may be used to account for reimbursements, including indirect costs, fees for actual costs, tuition, sales tax revenues distributed using the ad valorem method pursuant to G.S. 105-472(b)(2), sales tax refunds, gifts and grants restricted as to use, trust funds, federal appropriations made directly to local school administrative units, and funds received for prekindergarten programs, and special programs. In addition, the appropriation or use of fund balance or interest income by a local school administrative unit shall not be construed as a local current expense appropriation.

Each local school administrative unit shall maintain those funds shown in the uniform budget format that are applicable to its operations."

SECTION 2. (b) G.S. 115C-448 is amended by adding a new subsection to read:

"(d) Special funds of individual schools shall not be included as part of the local current expense fund of a local school administrative unit for the purposes of determining the per pupil cost."

In addition, other funds may be used to account for reimbursements, including indirect costs, fees for actual costs, tuition, sales tax revenues distributed using the ad valorem method pursuant to G.S. 105-472(b)(2), sales tax refunds, gifts and grants restricted as to use, trust funds, federal appropriations made directly to local school administrative units, and funds received for prekindergarten programs, and special programs. In addition, the appropriation or use of fund balance or interest income by a local school administrative unit shall not be construed as a local current expense appropriation.

Each local school administrative unit shall maintain those funds shown in the uniform budget format that are applicable to its operations."
share of the local current expense fund transferred to a charter school pursuant to
G.S. 115C-238.29H(b)."

SECTION 3. G.S. 105-278.4(a) reads as rewritten:
"(a) Buildings. – Buildings, the land they actually occupy, and additional land
reasonably necessary for the convenient use of any such building shall be exempted from
taxation if all of the following requirements are met:

…

(4) Wholly and exclusively used for educational purposes by the owner or
occupied gratuitously by another nonprofit educational institution and
wholly and exclusively used by the occupant for nonprofit educational
purposes; any of the following:

a. The owner.
b. A nonprofit educational institution occupying the building
   gratuitously.
c. A charter school even if the charter school is not the owner of the
   building."

SECTION 4. Notwithstanding G.S. 115C-238.29A1, as enacted by this section,
initial appointments to the Charter Board shall be made by the Governor and the General
Assembly no later than April 1, 2013. Initial terms of office to the Charter Board shall be as
follows:

(1) Two members appointed by the Governor, as designated by the Governor,
shall be appointed to serve until June 30, 2015. One member appointed by
the Governor, as designated by the Governor, shall be appointed to serve
until June 30, 2017.

(2) One member appointed by the General Assembly upon the recommendation
of the Speaker of the House of Representatives, as designated by the
Speaker, shall be until June 30, 2015. Two members appointed by the
General Assembly upon the recommendation of the Speaker of the House of
Representatives, as designated by the Speaker, shall be until June 30, 2017.

(3) One member appointed by the General Assembly upon the recommendation
of the President Pro Tempore of the Senate, as designated by the President
Pro Tempore, shall be until June 30, 2015. Two members appointed by the
General Assembly upon the recommendation of the President Pro Tempore
of the Senate, as designated by the President Pro Tempore, shall be until
June 30, 2017.

SECTION 5. This act is effective when it becomes law.