GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

SENATE BILL 354

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

Sponsors: Senators Ballard, Edwards, and Harrington (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 26, 2019

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

The General Assembly of North Carolina enacts:

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

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

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

(1) Impact Statement. – A Student and Family Impact Statement prepared in accordance with G.S. 115C-218.99.

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

(3) Parent. – A parent or legal guardian.

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

..."

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

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

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

(b) Notice of Action by the State Board of Education. – If a charter school receives any communication from the State Board of Education initiating a process that could lead to the dissolution, termination, revocation, nonrenewal, or significant restructuring as a condition of continued operation, the charter school shall provide notice to the parents of all impacted students..."
within 10 days of receiving the communication. The notice shall include a copy of the
communication received from the State Board of Education, any reasons or data used to support
the communication, and provide detailed information on the subsequent process, including
statutory requirements, related to operation of the charter school.

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


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

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

(1) A description of the proposed action, including the charter school’s needs and
the benefits related to the action.

(2) A review of the potential impact on students in the charter school who are
proficient or are achieving academic growth greater than in their prior
educational setting.

(3) If the charter school were to close, a full review of the public school that each
student will be assigned to.

(4) A review of all similar charter schools in the State in terms of performance
and at-risk populations and an analysis of any actions taken related to other
similarly situated charter schools.

(5) An analysis of the population of students with disabilities enrolled in the
charter school and how needs will be met for those students should the charter
school be closed. The Impact Statement shall not include personally
identifiable information for individual students.

(6) A survey of the licensed teachers in the charter school regarding the impact
on their students should the charter school cease operating or be significantly
restructured.
(7) A review of the impact on the public school or schools where students will be assigned if the charter school ceases to operate.

(8) To the extent the proposed action is based, in part or wholly, upon standardized test scores, a review of the participation in the tests and any reliability issues, real or perceived, with the standardized tests relied upon.

(9) To the extent the proposed action is based, in part or wholly, upon a performance framework, a full review of the performance framework in place for the school, the process for creating the performance framework, and progress on any aspects of the performance framework.

(10) An analysis of reasonable alternatives to the proposed action.

(11) Identification of ways to reduce or avoid an adverse impact on students and families, including a separate section on the impact on students with disabilities.

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

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

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