

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 354
PROPOSED COMMITTEE SUBSTITUTE S354-PCS35282-BE-21

Short Title: Student Notice/Charter School Closure/Restr.

(Public)

Sponsors:

Referred to:

March 26, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE NOTICE TO PARENTS PRIOR TO CLOSING A CHARTER
3 SCHOOL OR MATERIALLY REVISING ITS CHARTER.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 14A of Chapter 115C of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 115C-218.9. Notice requirements prior to the material revision of a charter.**

8 (a) Charter School Mandatory Notice. – At least seven days prior to meeting to consider
9 requesting a material revision to its charter pursuant to G.S. 115C-218.7, a charter school board
10 of directors shall notify the parents of students enrolled in the charter school by electronic mail
11 or the parents' preferred method of written communication, including (i) details of the date, time,
12 and location of the board of directors' meeting and (ii) a description of the material revision being
13 considered.

14 (b) Charter School Discretionary Notice. – A charter school shall be encouraged, but not
15 required, to notify parents of students enrolled in the charter school by electronic mail or the
16 parents' preferred method of written communication of the final action by the State Board
17 regarding a request for material revision of the school's charter."

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

20 "**§ 115C-218.97. Notice and hearing requirements prior to nonrenewal of the charter of a**
21 **continually low-performing charter school.**

22 (a) Public Hearing. – As part of the review of the operations of a charter school required
23 by G.S. 115C-218.6(a), for continually low-performing charter schools, the Office of Charter
24 Schools shall provide for a public hearing at a location in the local school administrative unit in
25 which the charter school is located. At the hearing, (i) information on at least the academic
26 performance of the charter school shall be presented and (ii) the public, including parents,
27 teachers, and community members, shall be afforded an opportunity to express their views. At
28 least one member of the State Board and the Advisory Board shall attend the hearing.

29 (b) Notice of Public Hearing. – At least 20 days prior to a public hearing pursuant to
30 subsection (a) of this section, the Office of Charter Schools shall notify the continually
31 low-performing charter school of the date, time, location, and methods for parents, teachers, and
32 community members to submit comments.

33 (c) Record of Public Hearing. – Prior to taking final action to not renew the charter of a
34 continually low-performing charter school under G.S. 115C-218.95, the State Board shall review
35 and consider a record of the public hearing held pursuant to subsection (a) of this section, in
36 addition to any supporting documentation related to the hearing.



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1 (d) Charter School Requirements. – A continually low-performing charter school shall
2 notify the parents of students enrolled in the charter school by electronic mail or the parents'
3 preferred method of written communication within five days of receiving notice of any of the
4 following:

5 (1) The Office of Charter Schools has scheduled a public hearing pursuant to
6 subsection (a) of this section. The notice to parents shall include details
7 regarding the date, time, location, and how comments may be submitted.

8 (2) The State Board's final action on a recommendation to not renew the charter.

9 **"§ 115C-218.98. Notice and hearing requirements prior to termination of a charter.**

10 (a) Advisory Board Requirements. – Prior to a final recommendation by the Advisory
11 Board to terminate a charter under G.S. 115C-218.95, the Advisory Board shall do the following:

12 (1) Notify the charter school that a public hearing will be conducted on the
13 proposed recommendation by the Advisory Board at least 20 days in advance
14 of the hearing, including the date, time, location, and methods for parents,
15 teachers, and community members to submit comments.

16 (2) Provide for a public hearing regarding the proposed recommendation at a
17 location in the local school administrative unit in which the charter school is
18 located. At the hearing, (i) information on at least the academic performance
19 of the charter school shall be presented and (ii) the public, including parents,
20 teachers, and community members, shall be afforded an opportunity to
21 express their views. The Advisory Board may direct the Office of Charter
22 Schools to conduct the public hearing, but at least one member of the State
23 Board and the Advisory Board shall attend the hearing.

24 (3) Review and consider at least the following information prior to making its
25 final recommendation:

26 a. A record of the public hearing conducted pursuant to subdivision (2)
27 of this subsection, in addition to any supporting documentation related
28 to the hearing.

29 b. A comparison of the charter school's student academic outcomes for
30 the immediately preceding three years to the academic outcomes of
31 students in the local school administrative unit in which the charter
32 school is located.

33 c. An analysis of whether the charter school has met growth or has made
34 measurable progress toward student performance goals under a
35 strategic improvement plan.

36 d. Considerations related to transitioning students with disabilities
37 enrolled in the charter school to a new school, should the charter
38 school be closed.

39 e. The impact on the capital needs of the public school or schools where
40 students will be assigned if the charter school ceases to operate.

41 (b) State Board Requirements. – At least 20 days prior to meeting to take final action on
42 a recommendation of the Advisory Board to terminate a charter, the State Board of Education
43 shall notify the charter school of the date, time, and location of the meeting. In making its final
44 determination, the State Board shall review and consider at least the following:

45 (1) Evidence from the meeting at which the Advisory Board made its
46 recommendation.

47 (2) Information identified in subdivision (a)(3) of this section.

48 (c) Charter School Requirements. – A charter school shall notify the parents of students
49 enrolled in the charter school by electronic mail or the parents' preferred method of written
50 communication within five days of receiving notice of any of the following:

1 (1) The Advisory Board has scheduled a public hearing on a proposed
2 recommendation to terminate the charter, including details of the date, time,
3 location, and how comments may be submitted.

4 (2) The State Board has scheduled a meeting to take final action on a
5 recommendation to terminate the charter, including the date, time, and
6 location of the meeting.

7 (3) The State Board's final action on a recommendation to terminate the charter.

8 (d) Exceptions. – The requirements of subsections (a) through (c) of this section shall not
9 apply to an Advisory Board proposed or final recommendation or State Board final action to
10 terminate the charter of a charter school based, in whole or in part, upon the grounds identified
11 in G.S. 115C-218.95(a)(2) or (3). For actions on those grounds, the following shall be required:

12 (1) At least 20 days prior to scheduling a meeting to take final action on a
13 recommendation to terminate the charter, the State Board shall notify the
14 charter school of the date, time, and location of the meeting.

15 (2) A charter school shall notify the parents of students enrolled in the charter
16 school by electronic mail or the parents' preferred method of written
17 communication within five days of receiving notice required in subdivision
18 (1) of this subsection, including details of the date, time, and location of the
19 meeting.

20 (3) A charter school shall notify parents of students enrolled in the charter school
21 by electronic mail or the parents' preferred method of written communication
22 of the final action by the State Board at the scheduled meeting."

23 **SECTION 3.** G.S. 115C-218.100 is amended by adding a new subsection to read:

24 "(c) Within five days of passing a resolution to voluntarily dissolve, a charter school board
25 of directors shall notify the parents of students enrolled in the charter school by electronic mail
26 or the parents' preferred method of written communication of the decision and the time line for
27 dissolution of the school."

28 **SECTION 4.** G.S. 115C-47 is amended by adding a new subdivision to read:

29 "(64) To Provide a Charter School Closure Impact Statement. – Within 30 days of
30 a request by the State Board of Education pursuant to
31 G.S. 115C-218.98(a)(3)e., a local board of education shall submit a statement
32 on the capital impact a charter school closure would have on schools within
33 the local school administrative unit."

34 **SECTION 5.** G.S. 150B-1(e) is amended by adding a new subdivision to read:

35 "(25) The State Board of Education with respect to the disapproval, termination, or
36 nonrenewal of charters under Article 14A of Chapter 115C of the General
37 Statutes."

38 **SECTION 6.** Notwithstanding any other provision of law, this act shall apply to
39 virtual charter schools authorized pursuant to Sec. 8.35 of S.L. 2014-100, as amended by Sec.
40 8.13 of S.L. 2016-94 and Sec. 7.13 of S.L. 2018-5. The charter of a pilot virtual charter school
41 shall not be terminated prior to the end of the pilot unless the requirements of G.S. 115C-218.98,
42 as enacted by this act, are fulfilled.

43 **SECTION 7.** This act is effective when it becomes law and applies to actions
44 commenced to voluntarily dissolve, terminate, not renew, or materially revise a charter on or
45 after July 1, 2019.