

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40579-MTa-109A

Short Title: Charter School Omnibus.

(Public)

Sponsors: Representative von Haefen.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS REGARDING CHARTER
3 SCHOOLS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. REQUIRE CHARTER SCHOOLS TO PROVIDE TRANSPORTATION TO**
7 **STUDENTS AND MEET APPLICABLE SAFETY REQUIREMENTS**

8 **SECTION 1.(a)** G.S. 115C-218.1(b) reads as rewritten:

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

10 ...

11 (16) The school's plans for providing transportation. The school shall develop a
12 plan for transportation for any student enrolled in the charter school who
13 resides in the local school administrative unit in which the school will be
14 located."

15 **SECTION 1.(b)** G.S. 115C-218.40 reads as rewritten:

16 **"§ 115C-218.40. Charter school transportation.**

17 The charter school may provide transportation for students enrolled at the school. The charter
18 school shall ~~develop a transportation plan so that transportation is not a barrier to provide~~
19 transportation for any student enrolled in the charter school who resides in the local school
20 administrative unit in which the school is located. ~~The charter school is not required to provide~~
21 ~~transportation to any student who lives within one and one-half miles of the school.~~ located.
22 Transportation provided by the charter school shall comply with policies adopted by the State
23 Board of Education and applicable transportation safety provisions from Article 17 of this
24 Chapter, including at least G.S. 115C-240(c), 115C-248, 115C-249.1, and 115C-251. At the
25 request of the charter school and if the local board of the local school administrative unit in which
26 the charter school is located operates a school bus system, then that local board may contract
27 with the charter school to provide transportation in accordance with the charter school's
28 transportation plan to students who reside in the local school administrative unit and who reside
29 at least one and one-half miles of the charter school. A local board may charge the charter school
30 a reasonable charge that is sufficient to cover the cost of providing this transportation.
31 Furthermore, a local board may refuse to provide transportation under this section if it
32 demonstrates there is no available space on buses it intends to operate during the term of the
33 contract or it would not be practically feasible to provide this transportation."

34 **SECTION 1.(c)** G.S. 115C-12(17) reads as rewritten:

35 "(17) Power to Provide for School Transportation Programs. – The State Board of
36 Education is authorized and empowered to promulgate such policies, rules,



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1 and regulations as it may deem necessary and desirable for the operation of a
2 public school transportation system by each local administrative unit and
3 charter school in the State. Such policies, rules, and regulations shall include,
4 but are not limited to, fund allocations and fiscal support to assure the effective
5 and efficient use of funds appropriated by the General Assembly in support of
6 the school transportation system. Nothing herein shall be construed to affect
7 in any way or to lessen in any way the full and complete authority of local
8 boards of education to assign pupils to schools in accordance with
9 G.S. 115C-366."

10 **SECTION 1.(d)** Subsection (a) of this section applies to applications for a new or
11 renewed charter submitted on or after July 1, 2021. Subsection (b) of this section applies
12 beginning with the 2022-2023 school year. The State Board of Education shall adopt
13 transportation safety requirements for charter schools in accordance with this section no later
14 than December 31, 2021.

15 16 **PART II. REQUIRE CHARTER SCHOOL TO PROVIDE FOOD SERVICES TO** 17 **STUDENTS**

18 **SECTION 2.(a)** G.S. 115C-218.1(b), as amended by Section 1(a) of this act, reads
19 as rewritten:

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

21 ...

22 (17) The school's plans for providing food services. The school shall develop a plan
23 to provide food services for any student enrolled in the charter school."

24 **SECTION 2.(b)** Article 14A of Chapter 115C of the General Statutes is amended by
25 adding a new section to read:

26 "**§ 115C-218.42. Food services.**

27 The charter school shall provide food services for any student enrolled in the charter school.
28 In the operation of their food service programs, charter schools shall participate in the National
29 School Lunch Program as provided in G.S. 115C-264."

30 **SECTION 2.(c)** Subsection (a) of this section applies to applications for a new or
31 renewed charter submitted on or after July 1, 2021. Subsection (b) of this section applies
32 beginning with the 2022-2023 school year.

33 34 **PART III. REQUIRE CHARTER SCHOOLS TO PARTICIPATE IN SCHOOL** 35 **EXTENSION LEARNING RECOVERY AND ENRICHMENT PROGRAMS**

36 **SECTION 3.(a)** Part I of S.L. 2021-7 reads as rewritten:

37 "**SECTION 1.1.** Program Established; Purpose. – Notwithstanding Part 3 of Article 16 of
38 Chapter 115C of the General Statutes or any other provision of law, following the end of the
39 2020-2021 school year, within funds available, including federal funds received by a local school
40 administrative unit or a charter school for the purpose of responding to the impacts of the
41 coronavirus disease 2019 (COVID-19), each local school administrative unit and charter school
42 shall offer a school extension learning recovery and enrichment program (program) outside of
43 the instructional school calendar. The purpose of the program shall be to provide in-person
44 instruction on specific subjects, as well as offer additional enrichment activities, to the following
45 students in kindergarten through grade 12 to address learning losses and negative impacts
46 students have experienced due to COVID-19 during the 2020-2021 school ~~year~~year:

47 (1) For local school administrative units, students in kindergarten through grade
48 12.

49 (2) For charter schools, students in all grades between kindergarten and grade 12
50 that are offered by the charter school.

1 Each local school administrative unit and charter school shall identify and prioritize at-risk
2 students, consistent with ~~G.S. 115C-105.41(a)~~, G.S. 115C-105.41(a) and G.S. 115C-218.87, for
3 participation in the program. Students who are not identified as at-risk under
4 G.S. 115C-105.41(a) and G.S. 115C-218.87 may also participate in a program within space
5 available. A year-round school, as defined in G.S. 115C-84.2(f)(5), may offer the program during
6 vacation periods in the instructional calendar through October 1, 2021.

7 **"SECTION 1.2.** Program Plan; Requirements. – Each local school administrative unit and
8 charter school shall develop and submit a plan for its program that meets the requirements of this
9 act to the Department of Public Instruction no later than 30 days prior to the final instructional
10 day of the 2020-2021 school year. The Department shall notify the local school administrative
11 unit or charter school of any necessary changes and approve the program plan with those changes
12 within 21 days of receiving the ~~plan from a local school administrative unit. A charter school is~~
13 ~~also encouraged to submit a plan that meets the requirements of this section depending on the~~
14 ~~grade levels served by the school to offer a program consistent with this act.~~ plan. The program
15 shall be separate and apart from the 2020-2021 school year and shall not be an extension of the
16 2020-2021 school year. The plan shall include at least the following as components of the
17 program:

- 18 (1) Instruction shall be delivered for at least 150 hours or 30 days over the course
19 of the program as follows:
 - 20 a. The instructional time shall not include the time for lunch service,
21 transition periods, and the physical activity period as required by this
22 section.
 - 23 b. Instruction shall not be delivered on Saturdays.
- 24 (2) Meal service for each instructional day.
- 25 (3) A period of physical activity during the instructional day.
- 26 (4) Grade level course offerings and activities in the following:
 - 27 a. For students in kindergarten through third grade, in-person instruction
28 in the following:
 - 29 1. Reading and math, in addition to science instruction for third
30 grade students.
 - 31 2. Integration of the local school administrative unit's and any
32 charter school's reading camp, as defined in
33 G.S. 115C-83.3(4a), into the program.
 - 34 3. At least one enrichment activity. The local school
35 administrative unit or the charter school shall have discretion
36 in the type of enrichment activity offered, such as a sports,
37 music, or arts program.
 - 38 b. For students in fourth through eighth grade, in-person instruction in
39 the following:
 - 40 1. Reading, math, and science.
 - 41 2. At least one enrichment activity. The local school
42 administrative unit or the charter school shall have discretion
43 in the type of enrichment activity offered, such as a sports,
44 music, or arts program.
 - 45 c. For high school students:
 - 46 1. In-person instruction in end-of-course subjects.
 - 47 2. Access to modules and teacher support for credit recovery
48 courses necessary to meet graduation requirements, including
49 courses offered through the North Carolina Virtual Public
50 School (NCVPS).
 - 51 3. In-person instruction for an elective course.

- 1 (5) Transportation services to the school facility housing the program, provided
2 in accordance with the Plan A requirements for transportation established in
3 the StrongSchoolsNC Public Health Toolkit (K-12) issued on March 24, 2021.
4 (5a) Time built into the instructional day for teachers to provide individual or small
5 group instruction to at-risk students.
6 (5b) In-person social-emotional learning supports for all students in the program.
7 (6) Voluntary participation by at-risk students in the program. Each local school
8 administrative unit and charter school shall notify parents of students
9 identified as at-risk, pursuant to ~~G.S. 115C-105.41(a)~~, G.S. 115C-105.41(a)
10 and G.S. 115C-218.87, and the student's eligibility for participation in the
11 program. Parents of students who qualify for the program shall make the final
12 decision regarding student attendance at the program. However, for students
13 who do attend the program, the following shall apply:
14 a. Kindergarten students who participate in the program shall be exempt
15 from retention for the 2021-2022 school year. At the end of the
16 program, if necessary, a supplemental support plan shall be developed
17 for the student's first grade year.
18 b. For all other students who were retained for the 2021-2022 school
19 year, the student's principal shall reassess the student's promotion
20 eligibility upon completion of the program.
- 21 (7) Opportunity for additional students to participate, within the space available,
22 after students are prioritized for attendance in the program under subdivision
23 (6) of this section. The local school administrative unit or charter school shall
24 establish any criteria for prioritizing additional students participating in the
25 program.
- 26 (8) Outreach to families and students to increase participation in the program by
27 not only addressing learning losses, but by offering a fun, positive
28 environment with enrichment activities to counteract the negative impacts
29 from COVID-19 on student social interactions and development.

30 **"SECTION 1.3.(a)** Employment of School Personnel. – For each local school administrative
31 unit and charter school operating the program, the following shall apply:

- 32 (1) Notwithstanding Articles 19, 20, 21, and Part 3 of Article 22 of Chapter 115C
33 of the General Statutes, a local board of education or charter school shall
34 employ teachers and other school personnel as temporary employees on a
35 contract basis for the period of the program. School personnel employed as
36 temporary employees by a local board of education or charter school pursuant
37 to this act shall not be considered an "employee" as defined in G.S. 135-1(10)
38 or a "teacher" as defined in G.S. 135-1(25), nor shall it cause school personnel
39 to be considered an "employee or State employee" under G.S. 135-48.1(10).
40 In addition, school personnel shall not be deemed as earning "compensation"
41 as defined in G.S. 135-1(7a) and shall not be eligible to accrue paid leave
42 during their temporary employment.
- 43 (2) For individuals who retired under the Teachers' and State Employees'
44 Retirement System (TSERS) on or after December 1, 2020, but on or before
45 March 1, 2021, the six-month separation from service from an employer that
46 is required under G.S. 135-1(20) in order for a retirement to become effective
47 shall not apply and instead a one-month separation shall be required, provided
48 that the position to which the individual returns is as a teacher or other school
49 personnel employed as a temporary employee on a contract basis for the
50 program as required in subdivision (1) of this section. Upon the expiration of
51 this section, all of the following shall apply:

- 1 a. The six-month separation from an employer required under
 2 G.S. 135-1(20) shall again be applicable to individuals who retired
 3 under TSERS on or after December 1, 2020, but on or before March
 4 1, 2021.
- 5 b. In order for a member's retirement under TSERS on or after December
 6 1, 2020, but on or before March 1, 2021, to become effective in any
 7 month, the member must perform no work for an employer, including
 8 part-time, temporary, substitute, or contractor work, at any time
 9 between the expiration of this section and the end of the six months
 10 immediately following the effective date of retirement, provided the
 11 expiration of the six-month period of separation did not occur while
 12 this section was in effect.
- 13 c. For individuals who retired under TSERS on or after December 1,
 14 2020, but before March 1, 2021, any time worked in the program and
 15 the time this section expires shall not be considered work for the
 16 purposes of the six-month separation required under G.S. 135-1(20).
- 17 d. For purposes of this subdivision, local school administrative units and
 18 charter schools shall certify to the Retirement System that a retirement
 19 system beneficiary is employed by the local board of
 20 education, education or charter school.
- 21 (3) From funds available, local boards and charter schools shall offer a signing
 22 bonus of at least one thousand two hundred dollars (\$1,200) to any teacher
 23 who (i) had received a past teaching bonus for reading in grades three, four,
 24 and five or mathematics in grades four, five, six, seven, or eight or (ii) has
 25 received National Board for Professional Teaching Standards Certification.
 26 Local boards of education and charter schools are encouraged to find ways to
 27 incentivize highly effective teachers to participate in the program, such as
 28 increased compensation and varied contract durations.
- 29 (4) Local boards of education and charter schools shall provide a performance
 30 bonus to a teacher who provided instruction during the program, in a per
 31 student amount of at least one hundred fifty dollars (\$150.00), for each student
 32 not demonstrating reading proficiency on the third-grade end-of-grade reading
 33 assessment assigned to that teacher who became proficient in reading after
 34 completing the program, as demonstrated by an alternate assessment.

35 **"SECTION 1.3.(b)** This section is effective when it becomes law and expires October 1,
 36 2021.

37 **"SECTION 1.4.** Use of Reading Camp Funds. – Notwithstanding G.S. 115C-105.25(b)(10)
 38 and any other provision of law, local school administrative units and charter schools may use
 39 funds allocated to the units for reading camps for the 2020-2021 fiscal year to also support the
 40 operation of reading instruction for first, second, and third grade students in the school extension
 41 learning recovery and enrichment program pursuant to this act. These funds shall not be used for
 42 enrichment activities.

43 ...

44 **"SECTION 1.7.** Program Assessments. – The State Board of Education, within funds
 45 available, shall make available to local school administrative units and charter schools that offer
 46 all or part of grades kindergarten through eight a single competency-based assessment per grade
 47 and subject for students in grades kindergarten through eight that may be taken at the beginning
 48 of the program and at the conclusion of the program. Each local board of education and charter
 49 school that offers all or part of grades kindergarten through eight shall ensure that the results of
 50 all competency-based assessments administered to a student shall be provided to all teachers of
 51 record for that student for the 2021-2022 school year.

1 "SECTION 1.8. Reporting Requirements. – By October 15, 2021, local school
2 administrative units and charter schools shall report all of the following to the Department of
3 Public Instruction:

- 4 (1) Results of competency-based assessment given to any students in grades K-8
5 at the beginning of the program.
- 6 (2) Results of competency-based assessment given to any students in grades K-8
7 at the conclusion of the program.
- 8 (3) The number of students who progressed to the next grade level after
9 participating in the program.
- 10 (4) The number of students who were retained in the same grade level after
11 participating in the program.
- 12 (5) The number of students who received credit recovery in high school.

13 By January 15, 2022, the Department of Public Instruction shall report to the Joint Legislative
14 Education Oversight Committee on the implementation of this act and all of the information
15 required in this section. The Department shall submit with its report a copy of each program plan
16 submitted to the Department, an explanation of the program outcomes completed by the
17 Department, and any other data deemed by the Department to be useful to the Joint Legislative
18 Education Oversight Committee in evaluating the delivery of programs."

19 **SECTION 3.(b)** Article 14A of Chapter 115C of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 115C-218.87. Students who have been placed at risk of academic failure.**

22 In accordance with G.S. 115C-105.41(a), a charter school shall identify students enrolled in
23 the charter school who are at risk for academic failure and who are not successfully progressing
24 toward grade promotion and graduation."
25

26 **PART IV. CONDITIONAL CHARTER SCHOOL ENROLLMENT PRIORITY FOR**
27 **QUALIFYING STUDENTS**

28 **SECTION 4.(a)** G.S. 115C-218.45 is amended by adding a new subsection to read:

29 "(f1) If the charter school enrolls a smaller percentage of qualifying students than the local
30 school administrative unit in which the charter school is located, the charter school shall give
31 enrollment priority to qualifying students until the enrollment percentage of qualifying students
32 in the charter school is equal to or greater than the enrollment percentage of qualifying students
33 in the local school administrative unit in which the charter school is located. For purposes of this
34 subsection, the term "qualifying student" refers to a student who either (i) resides in a household
35 with an income level not in excess of the amount required for the student to qualify for the federal
36 free or reduced-price lunch program or (ii) qualifies as an "identified student" under the
37 Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010."

38 **SECTION 4.(b)** This section applies to applications for enrollment submitted on or
39 after the effective date of this act.
40

41 **PART V. CHARTER MANAGEMENT ORGANIZATIONS**

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

44 **"§ 115C-218.77. Charter management organizations.**

45 (a) For purposes of this Article, a "charter management organization" is a for-profit entity
46 that contracts with the board of directors of a charter school to manage all or part of the operations
47 of the charter school, including any of the following:

- 48 (1) Nomination, appointment, or removal of officers of the charter school.
- 49 (2) Employment, supervision, or dismissal of employees of the charter school.
- 50 (3) Management of the charter school's day-to-day operations.

1 (4) Approval, denial, or management of the budget or any expenditures of the
2 charter school that are not authorized by the board of directors for the charter
3 school.

4 (5) Provision of services to a charter school before the governing body of the
5 charter school has approved the contract for those services.

6 (b) No later than September 1 of each year, every charter school that contracts with a
7 charter management organization shall report the name of the charter management organization
8 to the State Board of Education. A charter school shall not enter into a subcontract to avoid the
9 requirements of this subsection.

10 (c) The State Board of Education shall maintain a list of all charter management
11 organizations in operation in the State and their affiliated charter school or schools. The State
12 Board shall publish that list on its website no later than October 1 of each year."

13 **SECTION 5.(b)** G.S. 115C-218.25 reads as rewritten:

14 "**§ 115C-218.25. Open meetings and public records.**

15 (a) ~~The charter school and board of directors of the private nonprofit corporation that~~
16 ~~operates the charter school following~~ are subject to the Public Records Act, Chapter 132 of the
17 General Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General
18 Statutes. Statutes:

19 (1) The charter school.

20 (2) The board of directors of the private nonprofit corporation that operates the
21 charter school.

22 (3) For any records and meetings related to the operation of the charter school,
23 any charter management organization that contracts with the charter school.

24 (b) Notwithstanding the requirements of Chapter 132 of the General Statutes, inspection
25 of charter school personnel records ~~for those employees directly employed by the board of~~
26 ~~directors of the charter school for the following persons~~ shall be subject to the requirements of
27 Article 21A of this Chapter. Chapter:

28 (1) Employees of the charter school.

29 (2) Employees of the board of directors of the charter school.

30 (3) Employees who work at the charter school and are employed by any charter
31 management organization that contracts with the charter school.

32 (c) ~~The charter school and school, the~~ board of directors of the private nonprofit
33 corporation that operates the charter ~~school-school, and any charter management organization~~
34 ~~that contracts with the charter school~~ shall use the same schedule established by the Department
35 of Natural and Cultural Resources for retention and disposition of records of local school
36 administrative units."

37 **SECTION 5.(c)** G.S. 115C-218.45(f)(3) reads rewritten:

38 "(3) Limited to no more than fifteen percent (15%) of the school's total enrollment,
39 unless granted a waiver by the State Board of Education, the following:

40 a. Children of persons (i) employed full time by the charter school or (ii)
41 working full time in the daily operation of the charter school, including
42 children of persons employed by ~~an education management~~
43 ~~organization or a~~ charter management organization for the charter
44 school.

45 b. Children of the charter school's board of directors."

46 **SECTION 5.(d)** G.S. 115C-218.90(a)(1) reads as rewritten:

47 "(1) An employee of a charter school is not an employee of the local school
48 administrative unit in which the charter school is located. The charter school's
49 board of directors shall employ and contract with necessary teachers or
50 contract with ~~an education management organization or a~~ charter management
51 organization to employ and provide teachers to perform the particular service

1 for which they are employed in the school; at least fifty percent (50%) of these
2 teachers shall hold teacher licenses. All teachers who are teaching in the core
3 subject areas of mathematics, science, social studies, and language arts shall
4 be college graduates.

5 The board also may employ necessary employees who are not required to
6 hold teacher licenses to perform duties other than teaching and may contract
7 for other services. The board may discharge teachers and nonlicensed
8 employees."
9

10 **PART VI. CHARTER SCHOOL TRANSPORTATION GRANT PILOT PROGRAM**

11 **SECTION 6.(a)** Purpose; Definition. – The Department of Public Instruction
12 (Department) shall establish the Charter School Transportation Grant Pilot Program (Program).
13 The purpose of the Program shall be to award grant funds to a charter school meeting the
14 requirements of subsection (b) of this section for the reimbursement of up to sixty-five percent
15 (65%) of the eligible student transportation costs incurred by the school in accordance with the
16 provisions of this section. For purposes of this section, the term "eligible student transportation
17 costs" means costs incurred by the charter school for (i) transportation fuel, (ii) vehicle
18 maintenance, (iii) contracted transportation services, and (iv) transportation personnel salaries.

19 **SECTION 6.(b)** Program Eligibility. – If a charter school has a student enrollment
20 in a semester of the school year of at least fifty percent (50%) of its students either (i) residing in
21 households with an income level not in excess of the amount required for a student to qualify for
22 the federal free or reduced-price lunch program or (ii) qualifying as "identified students" under
23 the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, the charter
24 school may apply to the Department for grant funds under the Program for reimbursement of up
25 to sixty-five percent (65%) of the eligible student transportation costs incurred by the school for
26 that semester.

27 **SECTION 6.(c)** Applications. – By August 1, 2021, the Department shall establish
28 the criteria and guidelines for the grant application process for the upcoming school year,
29 including any documentation required to be submitted with the application. The Department shall
30 accept applications until December 31, 2021, for eligible student transportation costs incurred
31 during the fall semester of the school year and until May 30, 2022, for eligible student
32 transportation costs incurred during the spring semester of the school year.

33 **SECTION 6.(d)** Award of Funds. – From funds made available for the Program, the
34 Department shall award grant funds under the Program to the selected charter schools by January
35 15, 2022, for eligible student transportation costs incurred during the fall semester of the school
36 year and by June 15, 2022, for eligible student transportation costs incurred during the spring
37 semester of the prior school year. The total amount of each grant awarded under the Program
38 shall not exceed one hundred thousand dollars (\$100,000).

39 **SECTION 6.(e)** Reporting. – The Department shall provide a report by March 15,
40 2022, to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee,
41 and the Joint Legislative Education Oversight Committee on the administration of the Program,
42 including (i) the number of charter schools that received grant funds, (ii) the amount of grant
43 funds awarded to those charter schools, (iii) whether implementing the Program has led to an
44 increase in charter schools offering lunch, (iv) whether implementing the Program has led to an
45 increase in student lunch participation at charter schools offering lunch, (v) whether
46 implementing the Program has increased or expanded the offering of student transportation by
47 charter schools, and (vi) the modes of student transportation offered by charter schools that
48 received grant funds.

49 **SECTION 6.(f)** There is appropriated from the General Fund to the Department of
50 Public Instruction the sum of two million five hundred thousand dollars (\$2,500,000) in

1 nonrecurring funds for the 2021-2022 fiscal year to operate the Charter School Transportation
2 Grant Pilot Program established pursuant to this section.

3 **SECTION 6.(g)** This section becomes effective July 1, 2021.
4

5 **PART VII. ALL CHARTER SCHOOL TEACHERS MUST BE LICENSED BY THE**
6 **STATE BOARD OF EDUCATION**

7 **SECTION 7.(a)** G.S. 115C-218.90(a)(1), as amended by Section 5(d) of this act,
8 reads as rewritten:

9 "(1) An employee of a charter school is not an employee of the local school
10 administrative unit in which the charter school is located. The charter school's
11 board of directors shall employ and contract with necessary teachers or
12 contract with a charter management organization to employ and provide
13 teachers to perform the particular service for which they are employed in the
14 school; ~~at least fifty percent (50%)~~ one hundred percent (100%) of these
15 teachers shall hold teacher licenses. ~~All teachers who are teaching in the core~~
16 ~~subject areas of mathematics, science, social studies, and language arts shall~~
17 ~~be college graduates.~~

18 The board also may employ necessary employees who are not required to
19 hold teacher licenses to perform duties other than teaching and may contract
20 for other services. The board may discharge teachers and nonlicensed
21 employees."

22 **SECTION 7.(b)** This section applies beginning with the 2021-2022 school year.
23

24 **PART VIII. CHARTER SCHOOL OPENING AND CLOSING DATES**

25 **SECTION 8.(a)** G.S. 115C-218.85(a) reads as rewritten:

26 "(a) Instructional Program. –

27 (1) The school shall provide instruction each year for at least 185 days or 1,025
28 hours over nine calendar months.

29 (1a) The school shall align its opening and closing dates for the school year with
30 the opening and closing dates for the school year of the local school
31 administrative unit in which the charter school is located.

32 (2) The school shall design its programs to at least meet the student performance
33 standards adopted by the State Board of Education and the student
34 performance standards contained in the charter.

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

37 (4) The school is subject to and shall comply with Article 9 of Chapter 115C of
38 the General Statutes and The Individuals with Disabilities Education
39 Improvements Act, 20 U.S.C. § 1400, et seq., (2004), as amended.

40 (5) A charter school shall provide financial literacy instruction as required by the
41 State Board of Education pursuant to G.S. 115C-81.65, including required
42 professional development for teachers of the EPF course."

43 **SECTION 8.(b)** This section applies beginning with the 2021-2022 school year.
44

45 **PART IX. ANTI-BULLYING COMPLIANCE FOR CHARTER SCHOOLS**

46 **SECTION 9.(a)** G.S. 115C-218.75(c) reads as rewritten:

47 "(c) Policy Against Bullying. – A charter school ~~is encouraged to~~ shall adopt a policy
48 against bullying or harassing behavior, including cyber bullying, that is consistent with the
49 provisions of Article 29C of this Chapter. ~~If a charter school adopts a policy to prohibit bullying~~
50 ~~and harassing behavior, the~~ The charter school shall, at the beginning of each school year, provide
51 the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8)."

1 **SECTION 9.(b)** This section applies beginning with the 2021-2022 school year.

2
3 **PART X. REVISE CHARTER SCHOOL APPLICATION REQUIREMENTS**

4 **SECTION 10.(a)** G.S. 115C-218.1 reads as rewritten:

5 "**§ 115C-218.1. Eligible applicants; contents of applications; submission of applications for**
6 **approval.**

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

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

13 (1) A description of ~~a program~~ the programs that implements one or more
14 implement each of the purposes in G.S. 115C-218. G.S. 115C-218(a).

15 "

16 **SECTION 10.(b)** This section applies to applications for a new or renewed charter
17 submitted on or after the date this act becomes law.

18
19 **PART XI. ELIMINATE FAST-TRACK REPLICATION OF HIGH-QUALITY**
20 **CHARTER SCHOOLS**

21 **SECTION 11.(a)** G.S. 115C-218.3 is repealed.

22 **SECTION 11.(b)** This section applies to applications for a new charter school
23 submitted on or after the effective date of this act.

24
25 **PART XII. CHARTER SCHOOL TEACHING METHODS REPORT**

26 **SECTION 12.** G.S. 115C-218.110 reads as rewritten:

27 "**§ 115C-218.110. Notice of the charter school process; review of charter schools.**

28 (a) The State Board of Education shall distribute information announcing the availability
29 of the charter school process described in this Article to each local school administrative unit and
30 public postsecondary educational institution and, through press releases, to each major
31 newspaper in the State.

32 (a1) No later than February 15 of each year, each charter school shall report to the State
33 Board of Education on different and innovative teaching methods implemented by the charter
34 school pursuant to G.S. 115C-218(a)(3).

35 (b) The State Board of Education shall review and evaluate the educational effectiveness
36 of the charter schools authorized under this Article and the effect of charter schools on the public
37 schools in the local school administrative unit in which the charter schools are located. The Board
38 shall report annually no later than June 15 to the Joint Legislative Education Oversight
39 Committee on the following:

40 (1) The current and projected impact of charter schools on the delivery of services
41 by the public schools.

42 (2) Student academic progress in the charter schools as measured, where
43 available, against the academic year immediately preceding the first academic
44 year of the charter schools' operation.

45 (3) Best practices resulting from charter school ~~operations.~~ operations, including
46 an analysis of the different and innovative teaching methods implemented by
47 charter schools and reported to the State Board pursuant to subsection (a1) of
48 this section.

49 (4) Other information the State Board considers appropriate."
50

1 **PART XIII. REVISE CHARTER SCHOOL ENROLLMENT GROWTH**
2 **REQUIREMENTS**

3 **SECTION 13.** G.S. 115C-218.7(b) reads as rewritten:

4 "(b) ~~Enrollment growth of greater than twenty percent (20%)~~ Any enrollment growth
5 beyond the enrollment amounts outlined in the charter shall be considered a material revision of
6 the charter if the charter is currently identified as low performing. The State Board shall not
7 approve a material revision for enrollment growth of greater than twenty percent (20%) for a
8 charter that is currently identified as low performing. Enrollment growth of greater than thirty
9 percent (30%) shall be considered a material revision of the charter for any charter school that is
10 not identified as low performing. charter. The State Board may approve such additional
11 enrollment growth of greater than ~~thirty~~ twenty percent (~~30%~~) (20%) only if it finds all of the
12 following:

- 13 (1) The actual enrollment of the charter school is within ten percent (10%) of its
14 maximum authorized enrollment.
- 15 (2) The charter school has commitments for ninety percent (90%) of the requested
16 maximum growth.
- 17 (3) The charter school is not currently identified as low-performing.
- 18 (4) The charter school meets generally accepted standards of fiscal management.
- 19 (5) The charter school is, at the time of the request for the enrollment increase,
20 substantially in compliance with State law, federal law, the charter school's
21 own bylaws, and the provisions set forth in its charter granted by the State
22 Board."

23
24 **PART XIV. CHARTER SCHOOLS COMPLY WITH K-3 CLASS SIZE**
25 **REQUIREMENTS**

26 **SECTION 14.** G.S. 115C-218.75 is amended by adding a new subsection to read:

27 "(i) Class Size. – A charter school that enrolls students in all or part of kindergarten
28 through grade three shall comply with the class size requirements provided in G.S. 115C-301."
29

30 **PART XV. REQUIRE MEMBERS OF THE BOARD OF DIRECTORS OF A CHARTER**
31 **SCHOOL TO RESIDE WITHIN THE STATE**

32 **SECTION 15.** G.S. 115C-218.15(e) reads as rewritten:

33 "(e) ~~The~~ All members of the board of directors of the private nonprofit corporation
34 operating the charter school may have members who shall reside outside of within the State.
35 However, the State Board of Education may require by policy that a majority of the board of
36 directors and all officers of the board of directors reside within the State."
37

38 **PART XVI. EFFECTIVE DATE**

39 **SECTION 16.** Except as otherwise provided, this act is effective when it becomes

40 law.